

## **TITLE 16, Division 25, Chapters 1 and 2: Board of Vocational Nursing and Psychiatric Technicians**

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2535 Capitol Oaks Drive, Third Floor, Board of Engineers Conference Room, Sacramento, CA 95833 at 1:00 P.M., on Wednesday, May 31, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 29, 2006 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2854 and 4504 of the Business and Professions Code, and to implement, interpret or make specific Sections 2859, 2860.5, 2873, 2873.5, 2880, 2881, 2882, 2883, 2892.5, 4502, 4502.2, 4511, 4517, 4530, 4531, and 4532 of said Code, the Board of Vocational Nursing and Psychiatric Technicians is considering changes to Division 25, Chapters 1 and 2 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST**

The Board proposes to amend the Vocational Nursing Rules and Regulations as follows; Article 4 commencing with section 2516, Article 5 commencing with section 2526, Article 7 commencing with section 2540.3, Article 8 commencing with section 2542, Article 9 commencing with section 2544, and Article 10 commencing with section 2547. Amendments to the Psychiatric Technicians Rules and Regulations include, Article 4 commencing with section 2575, Article 5 commencing with section 2581, Article 7 commencing with section 2592.3, and Article 8 commencing with section 2593.

### **Vocational Nursing Rules and Regulations**

- I. Business and Professions Code section 2873 states that persons who can provide evidence of education and/or experience that is equivalent to that of graduates of accredited vocational nursing programs can be licensed as vocational nurses if they can successfully pass the licensure examination. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes section 2873.

**Section 2516** of the Vocational Nursing Rules and Regulations specifies the mechanisms by which persons who desire to become vocational nurses can qualify to take the licensure examination. Sections 2516(b) and 2516(c) describe the requirements necessary for a candidate who has not graduated from an accredited vocational nursing program to qualify for the licensure examination. Such qualification is based on the candidate's education and/or work experience that is determined by the Board to be equivalent to the education and clinical experience gained as a student in a vocational nursing program. These sections are often referred to as the "equivalency regulations."

The Board's proposed amendments to section 2516(b) clarify the types and amounts of clinical work experience that must be verified to meet the equivalency requirements.

The Board is proposing to delete section 2516(c). This section authorized schools to offer abbreviated vocational nursing programs for students who possessed work experience that complied with equivalency criteria, but who needed additional theory courses. These programs were referred to as "equivalency programs". No equivalency programs are currently approved by the Board. The last such program closed in 2000.

- II. Business and Professions Code section 2873.5 describes the criteria under which a person who has served on active duty in the military medical corps can qualify for licensure as a vocational nurse. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes section 2873.5.

The Board is proposing to add **section 2516.5** to the regulations to clarify the documentation required to establish proof of active duty service in the medical corps of any of the armed services.

- III. Business and Professions Code section 2859 defines the practice of vocational nursing. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2859.

The Board is proposing to add **section 2518.7** to the regulations to define "private duty nursing". The Board receives many scope of practice questions from licensees and potential employers asking the conditions under which a licensed vocational nurse (LVN) can perform private duty nursing. This section answers those questions.

- IV. Business and Professions Code sections 2880, 2881 and 2883 refer to and/or describe accreditation requirements for vocational nursing programs. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2880, 2881 and 2883.

**Section 2526** of the Vocational Nursing Rules and Regulations describes the procedure for accreditation of vocational nursing programs. The Board's proposed amendments to section 2526 change the requirement for schools to provide documentation of "evidence of program need" to "evidence of program resources" and add a requirement that programs must provide a list of resources for provision of counseling and tutoring services for students.

- V. Business and Professions Code sections 2880, 2881, and 2883 describes the Board's responsibilities related to inspection of vocational nursing programs and the process to be followed if the program is not maintaining the standard required by the Board. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2880, 2881, and 2883.

**Section 2526.1** of the Vocational Nursing Rules and Regulations describes the process of placing programs that are not maintaining regulatory standards on "Provisional Accreditation". The term "Provisional Accreditation" is intended to designate to all concerned parties that a program is not in complete compliance with the regulations and has been given time by the Board to correct its deficiencies. Based on the Board's experience with these regulations since July 2000, amendments are proposed to clarify the language of the regulations and, in some cases, change the language to allow the Board more flexibility in determining provisional accreditation time periods. The flexibility will allow the Board to invoke provisional accreditation for a reasonable time period during which a program should be able to correct deficiencies rather than the current method of invoking provisional accreditation for the same time period for all programs.

- VI. Business and Professions Code sections 2881 and 2883 describe accreditation requirements for vocational nursing programs. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2881 and 2883.

**Section 2530** of the Vocational Nursing Rules and Regulations specifies "General Requirements" that each program must meet in order to attain and maintain accreditation.

- Current regulations require that students in vocational nursing programs must have completed a general education course of study through the 12<sup>th</sup> grade or its equivalent. Proposed language designates the organizations that are approved to determine equivalency.
- Current regulations mandate that vocational nursing programs must maintain a licensure examination pass rate for their graduates that is within ten percentage points of the state's average yearly pass rate. The proposed regulations delete the current time frame during which new programs have to attain this pass rate, thus allowing them the same review period as existing programs in which to attain/maintain the mandated pass rate.

VII. Business and Professions Code section 2882 describes requirements for the course of instruction in vocational nursing programs. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes section 2882.

**Section 2533** of the Vocational Nursing Rules and Regulations specifies the curriculum content that is required in vocational nursing programs. The proposed amendments add required content to the vocational nursing curriculum. In addition, the proposed amendments change the requirements for faculty who teach non-nursing courses such as nutrition and psychology.

VIII. Business and Professions Code section 2892.5 establishes Continuing Education Requirements for licensed vocational nurses. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2892.5.

**Sections 2540.3 and 2540.4** of the Vocational Nursing Rules and Regulations specify the continuing education requirements for licensees and describe the requirements for providers of continuing education courses. Currently, the regulations require the Board to review documentation regarding every class that a provider wishes to offer. The proposed amendments change the regulations to allow the Board to review only the first course offered during a provider's two-year approval period. In addition, the proposed amendments clarify the provider's responsibilities regarding documentation, advertising, and instructor qualifications.

IX. Business and Professions Code sections 2860.5 describes permissible practices for licensed vocational nurses related to hypodermic injections, blood withdrawal and intravenous therapy. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and

Professions Code Division 2, Chapter 6.5 which includes sections 2860.5. The regulations include three different types of certification for LVNs. The certifications are for Intravenous Therapy, Blood Withdrawal and a combination certification in both Intravenous Therapy/Blood Withdrawal.

**Sections 2542, 2542.1, 2542.2, 2542.3, 2542.4 and 2542.5** of the Vocational Nursing Rules and Regulations specify the conditions under which a licensed vocational nurse can perform intravenous therapy and specify the requirements for certification courses in Intravenous Therapy.

The proposed amendments to sections 2542 and 2542.1 fulfill the requirement of the July 14, 2005, court order issued by the Sacramento Superior Court. That order mandated that the Board withdraw the current regulations that were approved by the Office of Administrative Law in January 2003 and revert to the regulations that were in place immediately preceding that approval.

The proposed amendments to sections 2542.2, 2542.3, 2542.4, and 2542.5 clarify the responsibilities of Intravenous Therapy Certification Course providers regarding course content, documentation, advertising, and instructor qualifications.

**Sections 2544, 2544.1, 2544.2, 2544.3 and 2544.4** of the Vocational Nursing Rules and Regulations specify the conditions under which a licensed vocational nurse can perform blood withdrawal and specify the requirements for certification courses in Blood Withdrawal. The proposed amendments clarify the current regulatory language and amend the format/content to be parallel in all applicable sections to the language of Article 8 commencing with section 2542.

**Sections 2547, 2547.1, 2547.2, 2547.3, 2547.4, and 2547.5** of the Vocational Nursing Rules and Regulations specify the conditions under which a licensed vocational nurse can perform intravenous therapy and blood withdrawal and specify the requirements for certification courses in Intravenous Therapy/Blood Withdrawal. The proposed amendments clarify the current regulatory language and amend the format/content to be parallel in all applicable sections to the language of Article 9 commencing with section 2542.

The proposed amendments to sections 2547 and 2547.1 fulfill the requirement of the July 14, 2005, court order issued by the Sacramento Superior Court. That order mandated that the Board withdraw the current regulations that were approved by the Office of Administrative Law in January 2003 and revert to the regulations that were in place immediately preceding that approval.

The proposed amendments to sections 2547.2, 2547.3, 2547.4, and 2547.5 clarify the responsibilities of Intravenous Therapy/Blood Withdrawal Certification Course providers regarding course content, documentation, advertising, and instructor qualifications.

## **Psychiatric Technicians Rules and Regulations**

- I. Business and Professions Code sections 4511(c)(2) and (3) state that persons who have successfully completed a course of study and training and/or work experience that is deemed by a Board-accredited Psychiatric Technician Program or by the Board to be equivalent to the theory and clinical experience offered in an accredited program may qualify to take the Psychiatric Technician Licensure Examination. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4511.

**Section 2575** of the Psychiatric Technicians Rules and Regulations describe the requirements necessary for a candidate who has not graduated from an accredited psychiatric technician (PT) program to qualify for the licensure examination. Such qualification is based on the candidate's education and/or work experience that is determined by the Board to be equivalent to the education and clinical experience gained as a student in a psychiatric technician program. This section is often referred to as the "equivalency regulations."

The Board's proposed amendments to section 2575(a) clarify the instructor requirements for individuals who teach theory and supervise clinical experience for candidates who wish to qualify for the licensure examination via equivalency. In addition, the amendments define the requirement for "inpatient bedside nursing" experience and add required content regarding communication skills.

The proposed amendments to section 2575(b) clarify the documentation required to establish proof of active duty service in the medical corps of any of the armed services for candidates that wish to qualify for licensure based on military service.

The Board is proposing to delete section 2575(c). This section authorized schools to offer abbreviated psychiatric technician programs for students who possessed work experience that complied with equivalency criteria, but who needed additional theory courses. These programs were referred to as "equivalency programs". No equivalency programs are currently approved by the Board. Archived information indicates that there have been no psychiatric technician equivalency programs.

- II. Business and Professions Code section 4502 defines the psychiatric technician scope of practice. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4502.

The Board is proposing to add **section 2576.7** to the regulations to define “private duty nursing”. The Board receives numerous scope of practice questions from licensees and potential employers asking the conditions under which a PT can perform private duty patient care. This section answers those questions.

- III. Business and Professions Code sections 4530, 4531, and 4532 describe accreditation requirements for psychiatric technician programs. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes sections 4530, 4531 and 4532.

**Section 2581** of the Psychiatric Technicians Rules and Regulations describes the procedure for accreditation of psychiatric technician programs. The Board’s proposed amendments to section 2581 change the requirement for schools to provide documentation of “evidence of program need” to “evidence of program resources” and add a requirement that programs must provide a list of resources for provision of counseling and tutoring services for students.

- IV. Business and Professions Code sections 4530 and 4532 describe the Board’s responsibilities related to inspection of psychiatric technician programs and the process to be followed if the program is not maintaining the standard required by the Board. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes sections 4530 and 4532.

**Section 2581.1** of the Psychiatric Technician Rules and Regulations describes the process of placing programs that are not maintaining regulatory standards on “Provisional Accreditation”. The term “Provisional Accreditation” is intended to designate to all concerned parties that a program is not in complete compliance with the regulations and has been given time by the Board to correct its deficiencies. Based on the Board’s experience with these regulations since July 2000, amendments are proposed to clarify the language of the regulations and, in some cases, change the language to allow the Board more flexibility in determining provisional accreditation time periods. The flexibility will allow the Board to invoke provisional accreditation for a reasonable time period during which a program should be able to correct deficiencies rather than the current method of invoking provisional accreditation for the same time period for all programs.

- V. Business and Professions Code section 4531 describes accreditation requirements for psychiatric technician programs. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4531.

**Section 2585** of the Psychiatric Technicians Rules and Regulations specifies “General Requirements” that each program must meet in order to attain and maintain accreditation.

- Current regulations require that students in psychiatric technician programs must have completed a general education course of study through the 12<sup>th</sup> grade or its equivalent. Proposed language designates the organizations that are approved to determine equivalency.
- Current regulations mandate that psychiatric technician programs must maintain a licensure examination pass rate for their graduates that is within ten percentage points of the state’s average yearly pass rate. The proposed regulations delete the current time frame during which new programs have to attain this pass rate, thus allowing them the same review period as existing programs in which to attain/maintain the mandated pass rate.
- Current regulation identifies reporting periods during which program examination statistics are reviewed by the Board. The amendment changes the reporting period from biannual to quarterly.

- VI. Business and Professions Code section 4531 describes accreditation requirements for psychiatric technician programs. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4531.

**Section 2587** of the Psychiatric Technicians Rules and Regulations specifies the curriculum content that is required in psychiatric technician programs. The proposed amendments add required content to the psychiatric technician curriculum.

- VII. Business and Professions Code section 4517 establishes Continuing Education Requirements for psychiatric technicians. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes sections 4517.

**Sections 2592.3 and 2592.4** of the Psychiatric Technicians Rules and Regulations specify the continuing education requirements for licensees and describe the requirements for providers of continuing education courses. Currently, the regulations require the Board to review documentation regarding every class that a provider wishes to offer. The proposed amendments change the regulations to allow the Board to review only the first course offered during a provider’s two-year approval period. In addition, the proposed amendments clarify the provider’s responsibilities regarding documentation and advertising, and instructor qualifications.



- VIII. Business and Professions Code section 4502.2 describes permissible practices for psychiatric technicians related to blood withdrawal. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4502.2.

**Sections 2593, 2593.1, 2593.2, 2593.3 and 2593.4** of the Psychiatric Technicians Rules and Regulations specify the conditions under which a psychiatric technician can perform blood withdrawal and specify the requirements for certification courses in blood withdrawal. The proposed amendments clarify the current regulatory language and amend the format/content to be parallel in all applicable sections to the language of Article 9 commencing with section 2544 of the Vocational Nursing Rules and Regulations.

### POLICY STATEMENT OVERVIEW

The major objective of the Board's proposed amendments to the regulations is to clarify language and make the regulations easier to understand. In some cases, the objective is to modify the regulatory language for the purpose of refining Board processes. The overall goal of the modifications is to facilitate the approval/accreditation process for organizations seeking to gain/maintain approval/accreditation.

All amendments are proposed within the context of upholding Business and Professions Code 2841.1 and 4501.1 which mandates, "Protection of the public shall be the highest priority for the Board of Vocational Nursing and Psychiatric Technicians in exercising its licensing, regulatory and disciplinary functions."

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

**None known**

Nondiscretionary Costs/Savings to Local Agencies:

**None known**

Local Mandate:

**None known**

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:

**None known**

### Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### **AND**

The following studies/relevant data were relied upon in making the above determination:

Discussions with program directors at Board meetings and Director Forums revealed that, in most cases, the proposed changes regarding school accreditation, provisional accreditation and maintenance of examination pass rates will make the processes for compliance clearer but will have no impact on business. Most schools have already implemented the proposed changes in curriculum. Those who have not should be able to adjust current instructor assignments to accomplish the curriculum amendments. For providers of continuing education and certification courses in intravenous therapy and blood withdrawal, the processes have been clarified and streamlined. The changes will have no impact on business.

### Impact on Jobs/New Businesses:

The Board of Vocational Nursing and Psychiatric Technicians has determined that this regulatory proposal will not have a significant impact on jobs/new businesses.

The Board of Vocational Nursing and Psychiatric Technicians is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### Effect on Housing Costs:

**None**

### **EFFECT ON SMALL BUSINESS**

The Board of Vocational Nursing and Psychiatric Technicians has determined that the proposed regulations would not affect small businesses. The changes to the regulations require minimal changes on the part of organizations.

## CONSIDERATION OF ALTERNATIVES

The Board of Vocational Nursing and Psychiatric Technicians must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Vocational Nursing and Psychiatric Technicians has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Vocational Nursing and Psychiatric Technicians at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Angela Hole
Address:	2535 Capitol Oaks Drive, Suite 205 Sacramento, CA 95833
Telephone No.:	(916) 263-7848
Fax No.:	(916) 263-7859
E-Mail Address:	angela_hole@dca.ca.gov

The backup contact person is:

Name:	Suellen Clayworth
Address:	2535 Capitol Oaks Drive, Suite 205 Sacramento, CA 95833
Telephone No.:	(916) 263-7841
Fax No.:	(916) 263-7859
E-Mail Address:	suellen_clayworth@dca.ca.gov

Website Access: Materials regarding this proposal can be found at  
[www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)

# PROPOSED VOCATIONAL NURSING REGULATORY AMENDMENTS

## Article 4. Licenses

### Section 2516. Eligibility for Licensure.

Persons who desire to qualify for licensure under Section 2873 of the code must meet the requirements of one of the following:

(a) Completion of a course in vocational or practical nursing in a school accredited by another state, provided that the course completed is substantially equivalent to that prescribed by Section 2533 of this chapter; or,

(b) Completion of the following experience and pharmacology course:

(1) Completion within the 10 years prior to the date of application of not less than 51 months of paid general duty inpatient bedside nursing experience in a clinical facility, at least half of which shall have been within five years prior to the date of application. Paid general duty inpatient bedside nursing experience is the performance of direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by a licensed vocational nurse.

(A) Such experience shall be verified by the employer showing specific dates of employment.

(B) The 51 months experience prescribed above shall include a minimum of each of the following:

48 months medical-surgical nursing;

56 weeks maternity or genitourinary nursing; and

56 weeks pediatrics nursing.

(C) Experience in any one or combination of the following areas may be substituted for a maximum of 8 months of medical-surgical experience:

1. Communicable Disease Nursing

2. Public Health Nursing

3. Occupational Health Nursing

4. Office Nursing (M.D.)

5. Psychiatric Nursing

6. Operating Room Nursing

7. . Private Duty Nursing (performed in acute care facilities only)

8. Emergency Room Nursing

9. Out Patient Clinic

10. Post Anesthesia Recovery Nursing

11. Hemodialysis Nursing

12. Rehabilitation Nursing

13. Gerontological Nursing

14. Emergency Medical Technician service

~~(C)~~(D) Applicants with formal nursing education may submit official transcripts for evaluation of possible credit in lieu of paid inpatient bedside nursing experience.

~~(D)~~(E) Applicants reapplying on the basis of experience acquired subsequent to the date of the original application shall show that the qualifying experience has been completed within 10 years prior to the date of reapplication and that at least half of such experience has been within five years prior to the date of reapplication.

(2) The applicant must submit proof of completion of a course of at least 54 theory hours of pharmacology. The course shall include but not be limited to:

- (A) Knowledge of commonly used drugs and their action
- (B) Computation of ~~D~~dosages
- (C) Preparation of ~~M~~medications
- (D) Principles of ~~A~~administration

(3) Verification of work experience shall include certification from the R.N. director or supervisor that the applicant has satisfactorily demonstrated the following knowledge and skills:

(A) Basic Bedside Nursing

1. Ambulation techniques
2. Bedmaking
3. Urinary Catheter care
4. Collection of specimens
5. Diabetic ~~urine~~ testing
6. Administration of a cleansing enema
7. Feeding patient
8. Hot and cold applications
9. Intake and Output
10. Personal hygiene and comfort measures
11. Positioning and transfer
12. Range of motion
13. Skin care
14. Vital signs
15. Communication skills

(B) Infection control procedures (may be demonstrated in classroom, lab, and/or patient care settings.)

1. Asepsis
2. Techniques for strict, contact, respiratory, enteric, tuberculosis, drainage, universal and immunosuppressed patient isolation.

~~(c) Completion of the course described below and completion of 36 months of verified full-time paid work experience in nursing in a general acute care facility within the 10 years prior to the date of application for licensure provided that at least 12 months of the experience is acquired during the last 24 months prior to the date of application.~~

~~(1) Experience in any of the following areas may be substituted for a maximum of 8 months of medical surgical nursing experience:~~

- ~~(A) Communicable Disease Nursing~~
- ~~(B) Public Health Nursing~~
- ~~(C) Occupational Health Nursing~~
- ~~(D) Office Nursing (M.D.)~~
- ~~(E) Psychiatric Nursing~~

- ~~(F) Operating Room Nursing~~
- ~~(G) Maternity Nursing~~
- ~~(H) Pediatric Nursing~~
- ~~(I) Hemodialysis Nursing~~
- ~~(J) Private Duty Nursing~~
- ~~(K) Emergency Room Nursing~~
- ~~(L) Skilled or Long Term Care Nursing~~
- ~~(M) Post Anesthesia Recovery Nursing~~
- ~~(N) Out Patient Clinic Nursing~~
- ~~(O) Rehabilitation Nursing~~

~~(2) The course prescribed above shall be a course approved by the Board providing theory and practice. Curriculum content shall be presented as specified in Section 2533(a), (b), (c), (e) and (f) of this Chapter. The faculty of such course shall meet the requirements of Section 2529. Facilities utilized for supervised clinical experience shall be approved as provided in Section 2534. The school shall meet the requirements specified in Section 2530. 450 hours of theory, which shall include a minimum of 54 hours in pharmacology, must be provided and must include the following subjects:~~

~~(A) Medical Surgical Nursing. Medical Surgical nursing shall include theory and clinical experience in the care of children and adults. Anatomy and physiology, terminology, main causes of disease, diet and drug therapy.~~

~~(B) Maternity Nursing. Maternity nursing shall include theory and clinical experience in the care of mothers and newborn infants. This theory shall be planned to develop knowledge of the following: Anatomy and physiology, the reproductive process, stages of pregnancy, labor and delivery and their common complications, normal development and common abnormalities of the infant, and diet.~~

~~(3) A minimum of 175 hours of supervised clinical experience shall be given which meets the individual learning needs of the student:~~

~~(A) For supervision of clinical experience, there shall be a minimum of one instructor for 15 vocational nurse students.~~

~~(B) Students shall be assigned to patient care areas for clinical experience and safely demonstrate competencies in performing basic nursing skills.~~

~~(4) A clinical instructor must certify the students' competency in the following nursing skills indicating ability to practice with safety to the patient:~~

- ~~(A) Basic Bedside Nursing~~
  - ~~1. Ambulation techniques~~
  - ~~2. Bedmaking~~
  - ~~3. Catheter care~~
  - ~~4. Collection of specimens~~
  - ~~5. Diabetic urine testing~~
  - ~~6. Administration of cleansing enema~~
  - ~~7. Feeding patient~~
  - ~~8. Hot and cold applications~~
  - ~~9. Intake and output~~

- ~~10. Personal hygiene and comfort measures~~
- ~~11. Positioning and transfer~~
- ~~12. Range of motion~~
- ~~13. Skin care~~
- ~~14. Vital signs~~
- ~~(B) Infection control procedures (may be demonstrated in classroom lab, and/or patient care settings.)~~
  - ~~1. Asepsis~~
  - ~~2. Techniques for strict, contact, respiratory, enteric, tuberculosis, drainage, universal and immunosuppressed patient isolation.~~
- ~~(C) Medications~~
  - ~~1. Knowledge of commonly used drugs and their action~~
  - ~~2. Observation of patients for response and/or reaction~~
  - ~~3. Preparation and administration of medications~~

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2873, Business and Professions Code

### **2516.5. Eligibility for Licensure - Military**

In order to establish proof of active duty service and training in the medical corps of any of the armed forces pursuant to Section 2873.5 of the code, an applicant must submit the following to the Board:

- (a) Transcripts or "Certificate of Release or Discharge from Active Duty (DD 214) showing completion of basic course of instruction in nursing required by his or her particular branch of the armed forces;
- (b) DD 214 or other military document showing that service in the armed forces has been under honorable conditions, or whose general discharge has been under honorable conditions; and
- (c) Military service evaluations showing the dates of service, wards assigned and duties performed for each assignment.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2873.5, Business and Professions Code

### **2518.7. Private Duty Nursing Defined.**

Private duty nursing is nursing service performed in acute care facilities. Private duty services are contracted directly between the nurse and the patient or entity acting on the patient's behalf. A licensed vocational nurse (LVN) must provide private duty nursing services under the direction of a registered nurse who directs nursing care and/or the patient's physician who directs medical care. The supervisor must be responsible for direction to the private duty LVN regarding the respective nursing and medical procedures. The direction provided by the registered nurse or physician to the LVN must be available at least by telephone.



NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2859, Business and Professions Code

## **Article 5. Schools of Nursing**

### **2526. Procedure for Accreditation.**

(a) The institution shall apply to the Board for accreditation. Written documentation shall be prepared by the director and shall include:

- (1) Philosophy of the program.
- (2) Conceptual framework.
- (3) Terminal objectives to indicate expected student outcomes upon successful completion of the program.
- (4) Curriculum objectives.
- (5) Course outlines.
- (6) Course objectives.
- (7) Instructional Plan.
- (8) Evaluation methodology for curriculum.
- (9) Faculty who meet the qualifications set forth in Section 2529.
- (10) Clinical Facilities.
- (11) Evaluation methodology for clinical facilities.
- (12) Admission criteria.
- (13) Screening and selection criteria.
- (14) Number of students.
  - (A) A school may admit alternate students in each new class to replace students who may drop out.
  - (B) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.
  - (C) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.
  - (D) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.
  - (E) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.
- (15) Evaluation methodology for student progress.
- (16) List of resources for provision of counseling and tutoring services for students.
- ~~(16)~~(17) Student policies:
  - (A) Credit granting.
  - (B) Attendance.
  - (C) Grievance.
- ~~(17)~~(18) Organizational chart.
- ~~(18)~~(19) Proposed starting date.
- ~~(19)~~(20) Evidence of program ~~need~~ resources to include, but not be limited to:

- (A) Description of the geographic area and community to be served by the proposed program;
  - (B) Clinical affiliations available for student clinical experience; and
  - (C) Existing nursing programs with which clinical affiliations are shared.
- (b) An institution may commence a new vocational nursing program upon Board approval.
- (c) A Board representative shall make a survey visit prior to graduation of the initial class. A program shall not commence another class without prior Board approval.
- (d) Accreditation will be granted by the Board when a vocational nursing program demonstrates that it meets all requirements as set forth in this chapter and in chapter 6.5, Division 2 of the Business and Professions Code.
- (e) The accreditation period shall be for a term of four years unless the Board grants an extension.
- (1) An extension may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements as set forth in this chapter and in chapter 6.5, Division 2 of the Business and Professions Code.
  - (2) The extension may be granted for a period not to exceed four years.
- (f) Six months prior to the date of accreditation expiration, a program may apply for continued accreditation based upon submission of documentation satisfactory to the Board. A subsequent survey visit may be conducted by a Board representative.
- (g) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of accreditation or provisional accreditation.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2880, 2881, and 2883, Business and Professions Code

### **Section 2526.1. Provisional Accreditation.**

- (a) Provisional accreditation means a program has not met all requirements as set forth in this chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.
- (b) Provisional accreditation shall be granted for a period ~~not to exceed two years unless the Board grants an extension~~ determined by the Board.
- (c) The Board may place any program on provisional accreditation when a that program does not meet all requirements as set forth in this chapter and in Section 2526. If the program has not met all requirements at the end of the initial provisional accreditation period, A provisional accreditation may be extended ~~when a~~ if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- (d) Any program holding provisional accreditation may not admit “new” classes beyond the established pattern of admissions previously approved by the Board. The admission pattern is defined by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional accreditation.
- (e) A program placed on provisional accreditation shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program’s failure to correct delineated areas of noncompliance is cause for revocation of provisional accreditation.

(f) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional accreditation.

~~(g) A revocation of provisional accreditation is cause for removal from the Board's list of accredited programs.~~

(g) A program whose provisional accreditation has been revoked shall be removed from the Board's list of accredited programs. The status of students as potential applicants for licensure will be determined by the Board.

(h) A program that is removed from the Board's list of accredited programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a vocational nursing program for a minimum period of one calendar year.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2880, 2881, and 2883, Business and Professions Code

### **2530. General Requirements.**

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory and equipment to achieve the program's objectives.

(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours assigned to the instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) Each school shall have on file proof that each enrolled student has completed ~~an~~ a ~~approved~~ general education course of study through the 12th grade or evidence of completion of the equivalent thereof. Equivalency is determined by the Department of Education in any of the United States or by a nationally recognized regional accrediting body.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. Acceptable methods for make-up include:

(1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.

(2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.

(i) The school shall evaluate student performance to determine the need for remediation or removal from the program.

(j) Each school shall advise students, in writing, of the following:

(1) Right to contact the Board of program concerns.

(2) Credit for previous education and experience.

(3) School's grievance policy.

(4) List of Board approved clinical facilities.

(k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:

(1) Sufficient program resources as specified in section 2530(a).

(2) Adequacy of clinical experience as specified in section 2534.

(3) Licensure examination pass rates as specified in section 2530 (l).

(l) The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period.

~~(1) Failure to achieve the required yearly average minimum pass rate within two years of initial approval may be cause to place a program on provisional accreditation.~~

(1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional accreditation.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2881 and 2883, Business and Professions Code

### **Section 2533. Curriculum Content.**

(a) Vocational nursing programs shall include theory and correlated clinical experience.

(b) The curriculum shall develop the knowledge, skills, and abilities necessary to care for patients of all ages in current health care settings.

(c) Curriculum content shall be taught in a sequence that results in students' progressive mastery of knowledge, skills and abilities.

(d) The curriculum content shall include:

(1) Anatomy and physiology

(2) Nutrition

(3) Psychology

(4) Normal growth and development

(5) Nursing fundamentals

(6) Nursing process

(7) Communication, including communication with patients who have psychological disorders

(8) Patient education

(9) Pharmacology which shall include:

(A) Knowledge of commonly used drugs and their action

(B) Computation of dosages

(C) Preparation of medications

(D) Principles of administration

(10) Medical-surgical nursing

(11) Communicable diseases, which shall include but not be limited to Human Immunodeficiency Virus (HIV)

(12) Gerontological nursing

- (13) Rehabilitation nursing
- (14) Maternity nursing
- (15) Pediatric nursing
- (16) Leadership
- (17) Supervision
- (18) Ethics and unethical conduct
- (19) Critical thinking
- (20) Cultural sensitivity
- (21) End-of-life care

(e) The following related courses may be taught by additional faculty. Additional faculty are persons who have qualifications to teach in a community college or a state university in California or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirement for a vocational credential.

<i>Courses</i>	<i><b>Maximum Hours of <del>Non-Nurse</del> Instruction by Other Professionals Accepted by the Board</b></i>
Anatomy and Physiology	54
Psychology	54
Pharmacology	54
Nutrition	54
Normal Growth and Development	54

(f) All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required in Section 2526, shall be approved by the Board prior to implementation. Proposed curricular changes must be submitted to the Board in final form by the fifteenth day of the second month preceding the month of the Board meeting at which the changes will be considered. Revisions should include:

- (1) Explanation of changes;
- (2) Rationale for proposed revision;
- (3) Description of revised curriculum materials; and
- (4) Changes to behavioral objectives, if applicable.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2882, Business and Professions Code

## **Article 7. Continuing Education**

### **2540.3. Course Provider Approval.**

(a) ~~Providers~~ An individual applying for approval of as a continuing education course provider must:

~~Apply on forms provided by the Board;~~ Complete and submit an application form supplied by the Board entitled, "Application to be a Continuing Education Course Provider for Licensed Vocational Nurses" (Form 55A-40; revised 09/05), hereby incorporated by reference;

~~(2) Submit any required forms or information in duplicate;~~

~~(3)~~ (2) Submit one course offering for Board review prior to course provider approval.

Include the following information: for the course submitted for review:

(A) Identifying information for the name, location and contact of the provider.

~~(A)~~ (B) A description of the subject matter of the course as it relates to recent developments in the vocational nursing field or in any special area of vocational nursing practice, including course title;

~~(B)~~ (C) The course objectives;

~~(C)~~ (D) Method(s) of instruction;

~~(D)~~ (E) Length of the course, date the course will start, Total number of hours in the course and the course location;

(F) Methods of evaluation:

1. for instructor evaluation of student achievement of course objectives; and

2. for student evaluation of course content and course instructor.

~~(E)~~ Any enrollment restrictions or prerequisites;

~~(F)~~ (G) Identify the eCourse instructor's qualifications, as specified in Section 2540.4.

(b) The Board will issue approval to the provider. A ~~course~~ provider will not be approved for more than a two-year period. Following approval by the Board within each two-year period, the provider may offer an unlimited number of continuing education courses.

~~(c) Approval of a continuing education course may be withdrawn if the Board later discovers misrepresentation of the information required by subsection (a).~~

(c) An approved provider shall have a written and published policy, available on request, which provides information on:

(1) refunds in cases of non-attendance

(2) time period for return of fees

(3) notification if course is canceled

(d) The approved provider is required to accept full responsibility for each and every course, including but not limited to recordkeeping, advertising course content, issuance of certificates and instructor qualifications.

(e) Approved providers shall keep the following records for a period of four years:

(1) course outlines of each course given

(2) record of dates and places each course is given

(3) instructor curriculum vitae or resumes

(4) names and license numbers of licensed vocational nurses and/or psychiatric technicians who take any course offered by the approved provider and a record of any certificate issued to them.

(f) Provider approval is non-transferable.

(g) Approved providers must notify the board within 30 days of any changes in information that was submitted on the most recent approved application to the board.

(h) Approval of a licensed vocational nurse continuing education course provider may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code

#### **2540.4. ~~Approval of~~ Course Instructors Qualifications.**

~~For approval, I~~nstructors of continuing education courses shall meet two of the following:

(a) Completion within two years preceding course approval of specialized training in the subject matter of the course;

(b) Completion of academic studies related to the subject matter of the course within two years of course approval;

(c) Experience teaching a course with similar subject matter content within the previous two years;

(d) Six months of work experience in the subject matter of the course within the previous three years; or

(e) Experience in developing academic courses within two years preceding course approval.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code

### **Article 8. Intravenous Therapy**

#### **2542. Definitions.**

(a) ~~“Intravenous fluids” means fluid forms of blood, blood products, vitamins, nutrients, electrolytes, and other medications including, but not limited to, anticoagulants and antibiotics. Intravenous fluids are differentiated into two categories:~~

~~(1) Category I includes blood, blood products, vitamins, nutrients, and electrolytes;~~

~~(2) Category II includes other medications including, but not limited to, anticoagulants or antibiotics.~~

(b) ~~“Superimpose” means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.~~

(c) ~~“Primary infusion line” means the line which provides a direct infusion between the container and the peripheral vein.~~

(d) ~~“Secondary infusion line” means a line which provides infusion through a lateral access into a primary infusion line.~~

(e) ~~“Standardized procedures” means written policies and protocols that:~~

~~(1) are readily available to medical and nursing staffs;~~

- ~~(2) were formulated by a committee that included representatives of the medical, nursing, and administrative staffs; and~~
- ~~(3) were adopted by the organized health care system.~~
- (f) ~~“Organized health care system” includes, but is not limited to, facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physicians’ offices, and public or community health services.~~

As used in this Article:

- (a) “Intravenous fluids” means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products.
- (b) “Superimpose” means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.
- (c) “Primary infusion line” means the line which provides a direct infusion between the container and the peripheral vein.
- (d) “Secondary infusion line” means a line which provides infusion through a lateral access into a primary infusion line.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 135 and 2860.5, Business and Professions Code.

### **2542.1. Intravenous Therapy.**

~~(a) A licensed vocational nurse may start and superimpose Category I intravenous fluids via primary or secondary infusion lines when directed by a licensed physician under the following conditions:~~

- ~~(1) The licensed vocational nurse has either:
  - ~~(A) Satisfactorily completed a course in intravenous therapy approved by the Board, as defined in Section 2542.3; or~~
  - ~~(B) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2542.4, that the licensee has been instructed in the subject areas specified in Section 2542.3 and that the licensee has the knowledge, skills and abilities to safely practice venipuncture; and~~~~
- ~~(2) The procedure is performed pursuant to standardized procedures as defined in Section 2542(e).~~

~~(b) A licensed vocational nurse may, when directed by a licensed physician, start and superimpose Category II intravenous fluids in hemodialysis, pheresis or blood bank settings under the following conditions:~~

- ~~(1) All the conditions specified in subsection (a) above have been met.~~
- ~~(2) The licensed vocational nurse has received specialized instruction in the proper procedure from a registered nurse or a licensed physician and demonstrates to a registered nurse or licensed physician the requisite knowledge, skills and abilities to perform the procedure. The method of the specialized instruction and demonstration shall be set forth in the standardized procedures as defined in Section 2542(e).~~
- ~~(3) The physician’s order is specific to the individual patient.~~



- ~~(4) The physician's individualized order designates the specific Category II intravenous fluids to be used in hemodialysis, pheresis or blood bank procedures within the particular setting; and~~
- ~~(5) A registered nurse or licensed physician is in the immediate vicinity. The definition of immediate vicinity for each facility shall be set forth in the standardized procedures as defined in Section 2542(e).~~

The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids via primary or secondary infusion lines who has completed one of the following:

- (a) A course in intravenous therapy approved by the Board, as defined in Section 2542.3.
- (b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2542.4, that the licensee has been instructed in the subject areas as specified in Section 2542.3 and that the licensee has the knowledge, skills and abilities to safely practice venipuncture. For further limitations, see Business and Professions Code section 2860.5.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

#### **2542.2. Procedure for Certification Course Approval.**

(a) A person or institution applying for approval of a certification course of instruction in intravenous therapy must: ~~(1) Complete an application form supplied by the Board. complete and submit an application form supplied by the Board entitled, "Application to be a Certification Course Provider in Intravenous Therapy for Licensed Vocational Nurses" (Form 55ED-6; revised 09/05), hereby incorporated by reference;~~

~~(2) Submit any required information or forms in duplicate.~~

(b) A course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a licensed vocational nurse intravenous therapy certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2542.3. Approval of Courses Content.**

(a) A course in intravenous therapy shall be taught by an instructor approved as provided in Section 2542.4; shall have a maximum of 15 students for each instructor for clinical ~~practice~~ experience; and shall be at least 30 hours in length, including 24 hours theory and 6 hours clinical experience, ~~with~~ including at least 3 individually supervised successful venipunctures by each student on live human subjects. The theory shall include, but not be limited to the following:

- (1) The requirements contained in Section 2860.5(c) of the Code necessary for a nurse to start and superimpose intravenous fluids;
- (2) Psychological preparation of the patient;
- (3) Universal precautions for infection control; and
- ~~(3)~~(4) Reasons for use of intravenous therapy;
  - (A) Indications for intravenous therapy
- ~~(4)~~ (B) Types of venipuncture devices
- ~~(5)~~ (C) Types of delivery systems
- ~~(6)~~ (D) Types of intravenous fluids
- ~~(7)~~ (E) Preparation and immobilization of the venipuncture site
- ~~(8)~~ (F) Observation of the patient
- ~~(9)~~ (G) Regulation of the fluid flow
- ~~(10)~~ (H) Local and systemic reactions
- (b) Intravenous therapy ~~C~~clinical experience must include:
  - (1) Preparation of equipment;
  - (2) Safety factors ~~of intravenous administration;~~
  - (3) Choice of vein;
  - (4) Choice of device for intravenous therapy;
  - (5) Techniques of venipuncture: ;
    - ~~(A) Direct;~~
    - ~~(B) Indirect;~~
  - (6) Skin puncture practice must include instruction in:
    - (A) Preparation of site; and
    - (B) Preparation of equipment.
  - ~~(6)~~(7) Universal precautions for infection control.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2542.4. Approval of Course Instructors.**

To be approved by the Board, a certification course must be taught by one of the following persons:

- (a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the previous five years:
  - (1) Has had a minimum of six months of experience starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or
  - (2) Has had experience teaching courses in intravenous therapy.
- (b) A nurse licensed by the California Board of Registered Nursing who within the previous five years:
  - ~~(1) Has met the requirements for faculty of a Registered Nurse or Vocational Nurse program; or~~
  - ~~(2)~~(1) Has had a minimum of six months of experience starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

- ~~(3)(2)~~Has had experience teaching courses in intravenous therapy; or  
(3) Has met the requirements for faculty of a Registered Nursing or Vocational Nursing program.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2542.5. Reports to Board.**

(a) The certification course provider ~~instructor~~ in intravenous therapy for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, "Certificate Of Completion; Intravenous Therapy For Licensed Vocational Nurses" (Form 55ED-7; revised 09/05), hereby incorporated by reference, which shall include:

- (1) Date of course completion;
- (2) Licensee's name, address, telephone number and vocational nurse license number;
- (3) Code number issued by the Board; and of Board-approved courses
- (4) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the intravenous therapy certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in intravenous therapy upon written notification from the Board.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

### **Article 9. Blood Withdrawal**

#### **2544. Blood Withdrawal.**

A licensed vocational nurse may withdraw blood from a patient when directed by a licensed physician. In addition, the licensed vocational nurse must have: ~~by qualifying in one of the following ways:~~

~~(a) Written verification submitted to the Board by a physician and surgeon that instruction has been given and that competence has been demonstrated in the procedure for withdrawing blood, or~~

~~(b)(a) Satisfactory completion of an approved course in blood withdrawal, Satisfactorily completed a course in blood withdrawal approved by the Board, as defined in Section 2544.2; or~~

~~(c)(b) Submitted Certification submitted, satisfactory to the Board, by one of the persons specified in Section 2544.3, that the licensee has been instructed in the subject areas specified in Section 2544.2 and that the licensee is has the knowledge, skills and abilities to safely practice blood withdrawal. knowledgeable in such areas and is competent in the practice of blood withdrawal.~~

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2544.1. Procedure for Certification Course Approval.**

(a) A person or institution applying for approval of a certification course in blood withdrawal must ~~(1) Complete an application form supplied by the Board.~~ complete and submit an application form supplied by the Board entitled, "Application to be a Certification Course Provider in Blood Withdrawal for Licensed Vocational Nurses" (Form 55ED-1; revised 09/05), hereby incorporated by reference;

~~(2) Submit any required information or forms in duplicate;~~

(b) A course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a licensed vocational nurse blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2544.2. Approval of Courses Content.**

(a) A course ~~of instruction~~ in blood withdrawal for licensed vocational nurses shall be taught by an instructor approved as provided in Section 2544.3; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least six hours in length, including 3 hours theory and 3 hours clinical experience, including at least 3 individually supervised venipunctures on live human subjects and at least 3 individually supervised skin punctures on live human subjects. Arterial punctures are optional. ~~and~~ The theory shall include, but not be limited to, the following:

(1) The requirements contained in Section 2860.5(b) of the Code necessary for a nurse to perform blood withdrawal;

(2) Psychological preparation of the patient;

(3) Universal precautions for infection control;

(4) Blood withdrawal;

~~(4)~~ (A) Methods of blood withdrawal;

~~(A)~~ 1. Skin puncture;

~~(B)~~ 2. Venipuncture; and

3. Arterial puncture (optional).

~~(2)~~ (B) Selection of appropriate method;

~~(3)~~ (C) Safety measures;

~~(4)~~ (D) Possible complications; and

~~(5)~~ (E) Preparation of withdrawal sites.

~~(6) Psychological preparation of the patient;~~

~~(7) Universal precautions for infection control;~~

- ~~(8) Practice in each method of blood withdrawal shall include at least 3 individually supervised venipunctures on live subjects and at least 3 individually supervised skin punctures on live subjects.~~
- ~~(b) A course will not be approved for more than a two-year period.~~
- (b) Blood withdrawal clinical experience must include:
- (1) Preparation of equipment for blood withdrawal;
  - (2) Safety factors;
  - (3) Choice of withdrawal site;
  - (4) Choice of artery (optional);
  - (5) Choice of device for blood withdrawal;
  - (6) Techniques of venipuncture;
  - (7) Techniques of arterial puncture (optional);
  - (8) Skin puncture practice must include instruction in:
    - (A) Preparation of site; and
    - (B) Preparation of equipment.
  - (9) Universal precautions for infection control.
- ~~(c) The above mentioned course shall consist of 3 hours theory and 3 hours clinical practice.~~

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

### **2544.3. Approval of Course Instructors.**

To be approved by the Board, a certification course must be taught by one of the following persons:

(a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the previous five years:

- (1) Has had a minimum of six months of experience including blood withdrawal and/or starting and superimposing intravenous fluids in an “organized health care system,” as defined in Section 2860.5(b) of the Code ; or
- (2) Has had experience teaching courses in blood withdrawal and/or intravenous therapy.

(b) A nurse licensed by the California Board of Registered Nursing who within the last five years:

- (1) Has had a minimum of six months of experience including blood withdrawal and/or starting and superimposing intravenous fluids in an “organized health care system,” as defined in Section 2860.5(b) of the Code; or
- (2) Has had experience teaching courses in blood withdrawal and/or intravenous therapy; or
- (3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.

(c) A ~~licensed~~ clinical laboratory ~~technologist~~ scientist (technologist), licensed by the California Department of Health Services who within the ~~last~~ previous five years:

- (1) Has had a minimum of six months of experience performing blood withdrawal in an “organized health care system,” as defined in Section 2860.5(b) of the Code;  
or
- (2) Has had experience teaching courses in blood withdrawal.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2544.4. Reports to Board.**

(a) The ~~instructor~~ certification course provider in blood withdrawal for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, “Certificate Of Completion; Blood Withdrawal For Licensed Vocational Nurses” (Form 55ED-2; revised 09/05), hereby incorporated by reference, which shall include:

- (1) Course title;
- (2) Date of course completion;
- (3) Licensee's name, address, telephone number and vocational nurse license number;
- (4) Code number issued by the Board; and ~~of Board-approved courses.~~
- (5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the blood withdrawal certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in blood withdrawal upon written notification from the Board.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

### **Article 10. Intravenous Therapy/Blood Withdrawal**

#### **2547. Definitions**

~~As used in this Article:~~

~~(a) “Intravenous fluids” means fluid forms of blood, blood products, vitamins, nutrients, electrolytes, and other medications including, but not limited to, anticoagulants and antibiotics. Intravenous fluids are differentiated into two categories:~~

- ~~(1) Category I includes blood, blood products, vitamins, nutrients, and electrolytes;~~
- ~~(2) Category II includes other medications including, but not limited to, anticoagulants or antibiotics.~~

~~(b) “Superimpose” means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.~~

~~(c) “Primary infusion line” means the line which provides a direct infusion between the container and the peripheral vein.~~

~~(d) “Secondary infusion line” means a line which provides infusion through a lateral access into a primary infusion line.~~

~~(e) “Standardized procedures” means written policies and protocols that:~~

- ~~(1) are readily available to medical and nursing staffs;~~
- ~~(2) were formulated by a committee that included representatives of the medical, nursing, and administrative staffs; and~~
- ~~(3) were adopted by the organized health care system.~~

~~(f) “Organized health care system” includes, but is not limited to, facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physicians’ offices, and public or community health services.~~

As used in this Article:

- (a) “Intravenous fluids” means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products.
- (e) “Superimpose” means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.
- (f) “Primary infusion line” means the line which provides a direct infusion between the container and the peripheral vein.
- (g) “Secondary infusion line” means a line which provides infusion through a lateral access into a primary infusion line.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 135 and 2860.5, Business and Professions Code.

## **2547.1. Intravenous Therapy/Blood Withdrawal.**

~~(a) A licensed vocational nurse may withdraw blood and start and superimpose Category I intravenous fluids via primary or secondary infusion lines when directed by a licensed physician under the following conditions:~~

- ~~(1) The licensed vocational nurse has either:
 
  - ~~(A) Satisfactorily completed a course in intravenous therapy and blood withdrawal approved by the Board, as defined in Section 2547.3; or~~
  - ~~(B) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2547.4, that the licensee has been instructed in the subject areas specified in Section 2547.3 and that the licensee has the knowledge, skills and abilities to safely practice venipuncture and blood withdrawal; and~~~~
- ~~(2) The procedure is performed pursuant to standardized procedures as defined in Section 2547(e).~~

~~(b) A licensed vocational nurse may, when directed by a licensed physician, withdraw blood and start and superimpose Category II intravenous fluids in hemodialysis, pheresis or blood bank settings under the following conditions:~~

- ~~(1) All the conditions specified in subsection (a) above have been met.~~
- ~~(2) The licensed vocational nurse has received specialized instruction in the proper procedure from a registered nurse or a licensed physician and demonstrates to a registered nurse or licensed physician the requisite knowledge, skills and abilities to perform the procedure. The method of the specialized instruction and~~

~~demonstration shall be set forth in the standardized procedures as defined in Section 2547(e).~~

~~(3) The physician's order is specific to the individual patient.~~

~~(4) The physician's individualized order designates the specific Category II intravenous fluids to be used in hemodialysis, pheresis or blood bank procedures within the particular setting; and~~

~~(5) A registered nurse or licensed physician is in the immediate vicinity. The definition of immediate vicinity for each facility shall be set forth in the standardized procedures as defined in Section 2547(e).~~

The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids via primary or a secondary infusion lines and perform blood withdrawal who has completed one of the following:

(a) A course of instruction in intravenous therapy and blood withdrawal approved by the Board.

(b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2547.4, that the licensee has been instructed in the subject areas specified in Section 2547.3 and that the licensee is knowledgeable and competent in the practice of venipuncture and blood withdrawal.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

#### **2547.2. Procedure for Certification Course Approval.**

(a) A person or institution applying for approval of a certification course ~~of instruction~~ in intravenous therapy and blood withdrawal must: ~~(1) Complete an application form supplied by the Board.~~ complete and submit an application form supplied by the Board entitled "Application to be a Certification Course Provider in Intravenous Therapy/Blood Withdrawal for Licensed Vocational Nurses" (Form 55ED-11; revised 09/05), hereby incorporated by reference;

~~(2) Submit any required information or forms in duplicate.~~

(b) A course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a licensed vocational nurse intravenous therapy and blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2547.3. Approval of Courses Content.**

(a) A course in intravenous therapy and blood withdrawal shall be taught by an instructor approved as provided in Section 2547.4; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least 36 hours in length, ~~which shall be including~~ 27 hours



theory and 9 hours clinical experience, including at least 3 individually supervised successful venipunctures and 3 individually supervised skin punctures by each student on live human subjects. Arterial punctures are optional. The theory shall include, but not be limited to, the following:

- (1) The requirements contained in Section 2860.5(b) and (c) of the eCode necessary for a nurse to start and superimpose intravenous fluids and perform blood withdrawal;
- (2) Psychological preparation of the patient;
- (3) Universal precautions for infection control;
- (4) Intravenous Therapy;
  - (A) Indications for intravenous therapy;
  - (B) Types of venipuncture devices;
  - (C) Types of delivery systems;
  - (D) Types of intravenous fluids;
  - (E) Preparation and immobilization of the venipuncture site;
  - (F) Observation of the patient;
  - (G) Regulation of the fluid flow; and
  - (H) Local and systemic reactions.
- (5) Blood Withdrawal;
  - (A) Methods of blood withdrawal;
    - (1) Venipuncture;
    - (2) Skin puncture; and
    - (3) Arterial puncture (optional).
  - (B) Selection of appropriate method;
  - (C) Safety measures;
  - (D) Possible complications; and
  - (E) Preparation of withdrawal sites.

(b) Intravenous therapy ~~Venipuncture~~ and blood withdrawal clinical experience must include:

- (1) Preparation of equipment for intravenous therapy and blood withdrawal;
- (2) Safety factors ~~of intravenous administration~~;
- (2) Choice of vein;
- (3) Choice of artery (optional);
- ~~(4)~~(5) Choice of device for intravenous therapy and blood withdrawal;
- ~~(5)~~(6) Techniques of venipuncture:
  - ~~(A) Direct;~~
  - ~~(B) Indirect.~~
- (7) Techniques of arterial puncture (optional);
- ~~(6)~~(8) Skin puncture practice must include instruction in:
  - (A) Preparation of site; and
  - (B) Preparation of equipment.
- ~~(7)~~(9) Universal precautions for infection control.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

#### **2547.4. Approval of Course Instructors.**

To be approved by the Board, a certification course must be taught by one of the following persons:

(a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the ~~last~~ previous five years:

(1) Has had a minimum of six months of experience performing blood withdrawal and starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

(2) Has had experience teaching courses in intravenous therapy and blood withdrawal.

(b) A nurse licensed by the California Board of Registered Nursing who within the ~~last~~ previous five years:

~~(1) Has met the requirements for faculty of a Registered Nurse or Vocational Nurse program; or~~

~~(2)~~(1) Has had a minimum of six months of experience performing blood withdrawal and starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

~~(3)~~(2) Has had experience teaching courses in intravenous therapy and~~or~~ blood withdrawal; or

(3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

## **2547.5. Reports to Board.**

(a) The ~~instructor~~ certification course provider in intravenous therapy and blood withdrawal for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, "Certificate Of Completion; Intravenous Therapy/Blood Withdrawal For Licensed Vocational Nurses" (Form 55ED-12; revised 09/05), hereby incorporated by reference, which shall include:

(1) Course title;

(2) Date of course completion;

(3) Licensee's name, address, telephone number and vocational nurse license number;

(4) Code number issued by the Board; and of Board approved courses

(5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the intravenous therapy and blood withdrawal certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in intravenous therapy and blood withdrawal upon written notification from the Board.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code

# PROPOSED PSYCHIATRIC TECHNICIAN REGULATORY AMENDMENTS

## Article 4. Licenses

### Section 2575. Equivalent Study and Training.

Persons applying for licensure ~~under this section~~ in accordance with Section 4511 of the code must meet one of the following:

- (a) Persons applying for licensure based on civilian paid clinical experience and prior education must meet the following requirements:

~~(1)(a) Successful~~ Completion of 576 hours of theory and 954 hours of supervised clinical experience, taught by an individual who meets the requirements of section 2584(c)(3), within the ten years prior to the date of application. Any or all of the supervised clinical experience may be satisfied by paid inpatient bedside work experience. Paid inpatient bedside work experience is the performance of direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by the psychiatric technician. The hours of theory and clinical experience shall include a minimum of each of the following:

A. 54 hours of theory in pharmacology, covering the content described in Section 2587(a)(d)(9).

B. 126 hours of theory and 270 hours of supervised clinical experience in nursing science, covering the content described in Section 2587(b)(d)(7), and including communication skills.

C. 108 hours of theory and 270 hours of supervised clinical experience in mental disorders, covering the content described in Section 2587(e)(d)(11), and including communication skills.

D. 108 hours of theory and 270 hours of supervised clinical experience in developmental disabilities, covering the content described in Section 2587(d)(10), and including communication skills.

- ~~(b) Persons applying for licensure based on~~ Completion of an armed forces course involving neuropsychiatric nursing and an armed forces or civilian course from an accredited school in the care of the developmentally disabled client must meet the following requirements.

(1) One year of verified full time paid work experience, including at least six months in a military clinical facility caring for clients with mental disorders and at least six months in a military or civilian clinical facility caring for clients with developmental disabilities. Military or civilian service evaluations showing the dates of service, wards assigned and duties performed for each assignment shall be required.

~~(2) Verified full time paid work experience in a civilian clinical facility for treatment of clients with developmental disabilities may be utilized, in part, to satisfy application requirements.~~

(2) Transcripts or certificate showing completion of an armed forces course involving neuropsychiatric nursing and an armed forces or civilian course from an accredited school in the care of the developmentally disabled client shall also be required.

~~(c) Completion of the course described below and completion of a minimum of 18 months of paid work experience in the care of physically ill, mentally disordered, and developmentally disabled patients, within the 36 months prior to the date of application. Curriculum content shall be presented as specified in Section 2587 (a), (b), (c), (e), and (f) of this Chapter. The faculty of such course shall meet the requirements of Section 2584. Facilities utilized for supervised clinical experience shall be approved as provided in Section 2588. The school shall meet the requirements specified in Section 2585. The course must be approved by the Board, and shall include the content described in Section 2587. The course must have a minimum of 450 hours of theory instruction, and the following minimum hours shall be included:~~

- ~~(1) 54 hours of theory in pharmacology.~~
- ~~(2) 126 hours of theory and 100 hours of supervised clinical experience in nursing science.~~
- ~~(3) 108 hours of theory and 100 hours of supervised clinical experience in mental disorders.~~
- ~~(4) 108 hours of theory and 100 hours of supervised clinical experience on developmental disabilities.~~

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4511, Business and Professions Code

### **Section 2576.7. Private Duty Patient Care**

Private duty patient care is care provided to patients with mental disorders or developmental disabilities in acute care facilities. Private duty patient care is contracted directly between the psychiatric technician (PT) and patient or entity acting on the patient's behalf. A PT must provide private duty patient care under the direction of a registered nurse who directs nursing care, the patient's physician who directs medical care, or be responsible to the director of the service in which the duties are performed. The director may be a licensed physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse, or other professional personnel. The registered nurse, physician or director of the service must be responsible for direction to the private duty PT regarding the respective nursing and medical procedures. The direction provided must be available at least by telephone.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502, Business and Professions Code

## **Article 5. Schools for Preparation of Psychiatric Technicians**

### **Section 2581. Procedure for Accreditation**

(a) The institution shall apply to the Board for accreditation. Written documentation shall be prepared by the director and shall include:

- (1) Philosophy of the program
- (2) Conceptual framework
- (3) Terminal objectives to indicate expected student outcomes upon successful completion of the program.

- (4) Curriculum objectives
- (5) Course outlines
- (6) Course objectives
- (7) Instructional Plan
- (8) Evaluation methodology for curriculum
- (9) Faculty who meet the qualifications set forth in Section 2584.
- (10) Clinical facilities
- (11) Evaluation methodology for clinical facilities
- (12) Admission criteria
- (13) Screening and selection criteria
- (14) Number of students
  - (A) A school may admit alternate students in each new class to replace students who may drop out.
  - (B) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.
  - (C) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.
  - (D) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.
  - (E) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.
- (15) Evaluation methodology for student progress
- (16) Resources for provision of counseling and tutoring services for students
- ~~(16)~~(17) Student policies:
  - (A) Credit granting.
  - (B) Attendance.
  - (C) Grievance.
- ~~(17)~~(18) Organizational chart.
- ~~(18)~~(19) Proposed starting date.
- ~~(19)~~(20) Evidence of program ~~need~~ resources to include, but not be limited to:
  - (A) Description of the geographic area and community to be served by the proposed program;
  - (B) Clinical affiliations available for student clinical experience; and
  - (C) Existing nursing and psychiatric technician programs with which clinical affiliations are shared.
- (b) An institution may commence a new psychiatric technician program upon Board approval.
- (c) A Board representative shall make a survey visit prior to graduation of the initial class. A program shall not commence another class without prior Board approval.
- (d) Accreditation will be granted by the Board when a psychiatric technician program demonstrates that it meets all requirements as set forth in this chapter and in Chapter 10, Division 2, of the Business and Professions Code.
- (e) The accreditation period shall be for a term of four years unless the Board grants an extension.

- (1) An extension may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements as set forth in this chapter and in chapter 10, Division 2, of the Business and Professions Code.
- (2) The extension may be granted for a period not to exceed four years.
- (f) Six months prior to the date of accreditation expiration, a program may apply for continued accreditation based upon submission of documentation satisfactory to the Board. A subsequent survey visit may be conducted by a Board representative.
- (g) A material misrepresentation of fact by a psychiatric technician program in any information submitted to the Board is cause for denial or revocation of accreditation or provisional accreditation.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4530, 4531, and 4532, Business and Professions Code

### **Section 2581.1. Provisional Accreditation.**

- (a) Provisional accreditation means a program has not met all requirements as set forth in this chapter and in Chapter 10, Division 2 of the Business and Professions Code.
- (b) Provisional accreditation shall be granted for a period ~~not to exceed two years unless the Board grants an extension~~ determined by the Board.
- (c) The Board may place any program on provisional accreditation when ~~a~~ that program does not meet all requirements as set forth in this chapter and in Section 2581. If the program has not met all requirements at the end of the initial provisional accreditation period, A provisional accreditation may be extended when a if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- (d) Any program holding provisional accreditation may not admit “new” classes beyond the established pattern of admissions previously approved by the Board. The admission pattern is defined by the by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional accreditation.
- (e) A program placed on provisional accreditation shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program’s failure to correct delineated areas of noncompliance is cause for revocation of provisional accreditation.
- (f) A material misrepresentation of fact by a psychiatric technician program in any information submitted to the Board is cause for revocation of provisional accreditation.
- ~~(g) A revocation of provisional accreditation is cause for removal from the Board’s list of accredited programs.~~
- (g) A program whose provisional accreditation has been revoked shall be removed from the Board’s list of accredited programs. The status of students as potential applicants for licensure will be determined by the Board.
- (h) A program that is removed from the Board’s list of accredited programs subsequent to Board action based on the program’s non-compliance with applicable regulations shall not reapply to establish a psychiatric technician program for a minimum period of one calendar year.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4530 and 4532, Business and Professions Code

## **Section 2585. General Requirements.**

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program's objectives.

(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours they are assigned to the clinical instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) Each school shall have on file proof that each enrolled student has completed ~~an a~~ approved general education course of study through the 12th grade or evidence of completion of the equivalent thereof. Equivalency is determined by the Department of Education in any of the United States or by a nationally recognized regional accrediting body.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include, but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. Acceptable methods for make-up include:

(1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.

(2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.

(i) The school shall evaluate student performance to determine the need for remediation or removal from the program.

(j) Each school shall advise students, in writing, of the following:

(1) Right to contact the Board of program concerns.

(2) Credit for previous education and experience.

(3) School's grievance policy.

(4) List of Board approved clinical facilities.

(k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:

(1) Sufficient program resources as specified in section 2585(a);

(2) Adequacy of clinical experience as specified in section 2588.

(3) Licensure examination pass rates as specified in Section 2585(1).

(l) The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited psychiatric technician schools for the same period.

~~(1) Failure to achieve the required yearly average minimum pass rate within two years of initial approval may be cause to place a program on provisional accreditation.~~

(1) Failure to maintain the required yearly average minimum pass rate for two years of or four consecutive biannual periods eight consecutive quarters may be cause to place a program on provisional accreditation.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4531, Business and Professions Code

### **Section 2587. Curriculum Content.**

(a) Psychiatric technician programs shall include theory and correlated clinical experience.

(b) The curriculum shall develop the knowledge, skills, and abilities necessary to care for patients of all ages in current health care settings.

(c) The curriculum content shall be taught in a sequence that results in students' progressive mastery of knowledge, skills, and abilities.

(d) The curriculum content shall include:

(1) Anatomy and physiology

(2) Nutrition

(3) Psychology

(4) Normal growth and development

(5) Nursing process

(6) Communication

(7) Nursing science, which shall include:

(A) Nursing fundamentals

(B) Medical/surgical nursing

(C) Communicable diseases, which shall include but not be limited to Human Immunodeficiency Virus (HIV)

(D) Gerontological nursing

(8) Patient education

(9) Pharmacology, which shall include:

(A) Knowledge of commonly used drugs and their actions

(B) Computation of dosages

(C) Preparation of medications

(D) Principles of administration

(10) Classifications, treatment programs, and interventions for developmental disabilities.

(11) Classifications, treatment programs, and interventions for mental disorders, which shall include addictive behaviors and eating disorders.

(12) Leadership

(13) Supervision

(14) Ethics and unethical conduct

(15) Critical thinking

(16) Cultural sensitivity

(17) End-of-life care



(e) The following related courses may be taught by additional faculty. Additional faculty are persons who have qualifications to teach in a community college or a state university in California or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirement for a vocational credential.

<i>Courses</i>	<i>Maximum Hours of Instruction by Other Professionals Accepted by the Board</i>
Anatomy and Physiology	54
Psychology	54
Pharmacology	54
Nutrition	54
Normal Growth and Development	54

(f) All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required by Section 2581, shall be approved by the Board prior to implementation. Proposed curricular changes must be submitted to the Board in final form by the fifteenth day of the second month preceding the month of the Board meeting at which the changes will be considered. Revisions should include:

- (1) Explanation of changes;
- (2) Rationale for proposed revision;
- (3) Description of revised curriculum materials; and
- (4) Changes to behavioral objectives, if applicable.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4531, Business and Professions Code

## **Article 7. Continuing Education**

### **2592.3. Course Provider Approval.**

~~(a) Providers applying for approval of a continuing education course must submit written documentation which shall include:~~

- ~~(1) A description of the subject matter of the course as it relates to recent developments in the psychiatric technician field or in any area of psychiatric technician practice;~~
- ~~(2) The course objectives;~~
- ~~(3) Method of instruction;~~
- ~~(4) Length of the course, date the course will start, total number of hours in the course and the course location;~~
- ~~(5) Any enrollment restrictions or prerequisites;~~

- ~~(6) Identification of the course instructor's qualifications, as specified in Section 2592.4;~~
- ~~(b) The Board will issue approval to the provider. A course will not be approved for more than a two-year period.~~
- ~~(c) Any material misrepresentation of fact in the application filed by a continuing education provider shall constitute cause for the Board to withdraw its course approval.~~
- (a) An individual applying for approval as a continuing education course provider must:
  - ~~(1) Apply on forms provided by the Board; Complete and submit an application form supplied by the Board entitled, "Application for Psychiatric Technician Continuing Education Course Approval to Be a Continuing Education Course Provider for Psychiatric Technicians" (Form 56A-40; revised 04/04 09/05), hereby incorporated by reference;~~
  - (2) The Board will review one course offering when considering course provider approval. Include the following information for the course submitted for review:
    - (A) Identifying information for the name, location and contact of the provider.
    - (B) A description of the subject matter of the course as it relates to recent developments in the psychiatric technician field or in any special area of psychiatric technician practice;
    - (C) The course objectives;
    - (D) Method(s) of instruction;
    - (E) Total number of hours in the course and the course location;
    - (F) Methods of evaluation:
      - 1. for instructor evaluation of student achievement of course objectives; and
      - 2. for student evaluation of course content and course instructor.
    - (G) Course instructor's qualifications, as specified in Section 2592.4.
- (b) The Board will issue approval to the provider. A provider will not be approved for more than a two-year period. Following approval by the Board within each two-year period, the provider may offer an unlimited number of continuing education courses.
- (c) An approved provider shall have a written and published policy, available on request, which provides information on:
  - (1) refunds in cases of non-attendance
  - (2) time period for return of fees
  - (3) notification if course is canceled
- (d) The approved provider is required to accept full responsibility for each and every course, including but not limited to recordkeeping, advertising course content, issuance of certificates and instructor qualifications.
- (e) Approved providers shall keep the following records for a period of four years:
  - (1) course outlines of each course given
  - (2) record of dates and places each course is given
  - (3) instructor curriculum vitae or resumes
  - (4) names and license numbers of licensed vocational nurses and/or psychiatric technicians who take any course offered by the approved provider and a record of any certificate issued to them.
- (f) Provider approval is non-transferable.

- (g) Approved providers must notify the board within 30 days of any changes in information that was submitted on the most recent approved application to the board.
- (h) Approval of a psychiatric technician continuing education course provider may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code

#### **2592.4. ~~Approval of~~ Course Instructors Qualifications.**

~~For approval,~~ Instructors of continuing education courses shall meet two of the following:

- (a) Completion of specialized training in the subject matter of the course within two years preceding course approval;
- (b) Completion of academic studies related to the subject matter of the course within two years preceding course approval;
- (c) Teaching experience in a course with similar subject matter content within the previous two years;
- (d) Six months of work experience in the subject matter of the course within the previous three years;
- (d) Experience in the development of academic courses within two years preceding course approval.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code

### **Article 8. Blood Withdrawal**

#### **2593. Blood Withdrawal.**

A licensed psychiatric technician applying for certification by the Board to withdraw peripheral venous blood from a patient with a mental illness or developmental disability shall complete and submit an application form supplied by the Board entitled "Application to be Certified in Blood Withdrawal for Psychiatric Technicians" (Form 56C-1, revised 9/05) hereby incorporated by reference. Applicants may qualify for certification in one of the following ways:

- (a) Written verification as submitted to the Board by one of the persons specified in Section 2593.3 that the licensed psychiatric technician is competent in the performance of blood withdrawal procedures according to the subject areas specified in Section 2593.2. Written verification shall be provided on a form entitled "Blood Withdrawal Verification for Psychiatric Technicians" (Form 56C-2, revised 9/05) hereby incorporated by reference.
- (b) Satisfactory completion of a course in blood withdrawal, as defined in Section 2593.2 and taught by an approved course provider as specified in Section 2593.3.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

### **2593.1. Procedure for Certification Course ~~Provider~~ Approval.**

(a) A person or institution applying for approval of a certification course in blood withdrawal ~~shall must: (1) Complete and submit~~ an application form supplied by the Board entitled “Application to be a Certification Course Provider in Blood Withdrawal for Psychiatric Technicians” (Form 56C-3; revised 9/05) hereby incorporated by reference; ~~that indicates compliance with the course of instruction delineated in Section 2593.2.~~

(b) A blood withdrawal course of instruction ~~shall~~ must be approved by the Board before ~~a course in blood withdrawal~~ it is offered to licensees by the provider.

(c) A course will not be approved for more than a two-year period.

~~(e)~~(d) Approval of a psychiatric technician blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code

### **2593.2. Approval of Course Content.**

(a) A certification course ~~of instruction~~ in blood withdrawal for psychiatric technicians shall be taught by an instructor approved as provided in Section 2593.3; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least sixteen hours in length, including 10 hours theory and 6 hours clinical experience, including at least 5 individually supervised venipunctures on live human subjects and at least 3 individually supervised capillary blood withdrawals on live human subjects. ~~and shall include, but not be limited to, the following:~~

(1) The theory shall include, but not be limited to, the following:

(A) The requirements contained in Section 4502.2 of the Code necessary for a psychiatric technician to perform blood withdrawal;

(B) Psychological preparation of the patient;

(C) Universal precautions for infection control;

(D) Blood withdrawal;

~~(+)~~(E) Anatomy and physiology pertinent to peripheral venous blood withdrawal.

~~(2)~~(F) Specimen handling:

~~(A)~~ 1. Container and preservative selection;

~~(B)~~ 2. Amount of specimen required;

~~(C)~~ 3. Test requirements, including, but not limited to, acceptable time periods from specimen collection to laboratory processing, temperature requirements, and effect of container motion; and

- ~~(D)~~ 4. Patient and specimen container identification techniques.
- (3) (G) Selection of appropriate equipment:
  - (A) 1. Lancet;
  - ~~(B)~~ 2. Syringe;
  - ~~(C)~~ 3. Vacuum tube;
  - ~~(D)~~ 4. Needle (The term "needle" does not include the equipment, methods and procedures used outside of peripheral venous blood withdrawal.); and
  - ~~(E)~~ 5. Safety measures related to equipment.
- (4) (H) Methods of blood withdrawal:
  - ~~(A)~~ 1. Capillary blood withdrawal; and
  - ~~(B)~~ 2. Venipuncture.
- (5) (I) Withdrawal site:
  - ~~(A)~~ 1. Selection;
  - ~~(B)~~ 2. Preparation;
  - ~~(C)~~ 3. Technique (including safety measures to protect patients and staff); and
  - ~~(D)~~ 4. Post-procedure care.
- ~~(6)~~ (J) Sterile technique.
- (7) (K) Universal and standard precautions for infection control;
- (8) (L) Possible complications.
- (9) (M) Psychological preparation of the patient.
- ~~(10)(N) Practice in peripheral venous blood withdrawal shall include at least 5 successful individually supervised venipunctures on live human subjects and 3 successful individually supervised capillary blood withdrawals on live human subjects.~~
- ~~(b) The course shall consist of 10 hours theory and 6 hours clinical practice.~~
- (b) Blood withdrawal clinical experience must include:
  - (1) Preparation of equipment for blood withdrawal;
  - (2) Safety factors;
  - (3) Choice of withdrawal site;
  - (4) Choice of device for blood withdrawal;
  - (5) Techniques of venipuncture;
  - (6) Skin puncture practice must include instruction in:
    - (A)Preparation of site;
    - (B)Preparation of equipment;
  - (7) Universal precautions for infection control.
- ~~(c) A course will not be approved for more than a two-year period.~~

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code

### **2593.3. Qualifications of Blood Withdrawal Approval of Course Instructors.**

To be approved by the Board, a certification course in peripheral venous blood withdrawal for licensed psychiatric technicians ~~shall~~ must be taught by one of the following persons:

(a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the last previous five years; ~~has had a minimum of 6 months of experience;~~

(1) Has had a minimum of 6 months of experience in Performing blood withdrawal and/or starting and superimposing intravenous fluids in an “organized health care system”; or

(2) Has had experience Teaching courses in blood withdrawal and/or intravenous therapy.

(b) A nurse licensed by the California Board of Registered Nursing who within the last previous five years ~~has had a minimum of 6 months of experience;~~

(1) Has had a minimum of 6 months of experience in Performing blood withdrawal and/or starting and superimposing intravenous fluids in an “organized health care system”; or

(2) Has had experience Teaching courses in blood withdrawal and/or intravenous therapy; or-

(3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.

(c) A clinical laboratory scientist (technologist), licensed by the California Department of Health Services who within the last previous five years ~~has had a minimum of 6 months of experience;~~

(1) Has had a minimum of 6 months of experience in Performing blood withdrawal in an “organized health care system”; or

(2) Has had experience Teaching courses in blood withdrawal.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code

#### **2593.4. Reports to the Board that the Licensee is Eligible for Board-Certification.**

(a) The certification course provider in blood withdrawal for licensed psychiatric technicians ~~shall~~ must submit to the Board verification of course completion by filling out section 11 and 12 on Board form entitled, “Application to be Certified in Blood Withdrawal for Psychiatric Technicians”, (form 56C-1; revised 9/05), hereby incorporated by reference, which shall include:

~~(1) Course title;~~

~~(2) Date of course completion;~~

~~(3) Licensee's name, address, telephone number and psychiatric technician license number;~~

~~(4) Course Code number issued by the Board; and~~

~~(5) Number of course hours, specified as theory and clinical hours.~~

(b) The certification course provider shall maintain a list of all psychiatric technician licensees who have completed the blood withdrawal certification course within the preceding four years.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code

# BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

## INITIAL STATEMENT OF REASONS

**Hearing Date:**

May 31, 2006

**Subject Matter of  
Proposed Regulations:**

The proposed regulations amend the requirements for:

- Eligibility for licensure via equivalent study and/or work experience;
- Accreditation of vocational nursing and psychiatric technician programs;
- Acceptable minimum licensure examination pass rates for programs;
- Curriculum content for programs;
- Continuing education provider approval; and
- Intravenous therapy and blood withdrawal course approval

In addition, the proposed regulations clarify:

- Acceptable 12<sup>th</sup> grade equivalency for enrolled vocational nursing and psychiatric technician students.

**Sections Affected:**

Vocational Nursing (VN): sections 2516, 2516.5, 2518.7, 2526, 2526.1, 2530, 2533, 2540.3, 2540.4, 2542, 2542.1, 2542.2, 2542.3, 2542.4, 2542.5, 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2547, 2547.1, 2547.2, 2547.3, 2547.4, 2547.5

Psychiatric Technician (PT): sections 2575, 2576.7, 2581, 2581.1, 2585, 2587, 2592.3, 2592.4, 2593, 2593.1, 2593.2, 2593.3, 2593.4

**Pre-hearing Public  
Discussion Session:**

A pre-hearing public discussion session was held on January 18, 2006. Four people attended. No objections to the proposed regulations were noted. The minutes from the meeting are attached.

## Vocational Nursing Regulatory Amendments

### Article 4. Licenses

#### **VN Section 2516(b)(1)**

##### **Specific Purpose of the Amendment**

Section 2516 of the Vocational Nursing Rules and Regulations describes the criteria that licensure applicants who have not graduated from vocational nursing programs must meet in order to be eligible to sit for the licensure examination. These “equivalency” applicants may be able to qualify for the licensure examination based on having education and/or clinical experience that is similar to that of students enrolled in vocational nursing programs.

In this specific section of the regulations, the word “inpatient” has been added to the language to more precisely clarify the type of bedside nursing experience that fulfills the “experience” criteria. In addition, language is added to clearly define the requirement, “Paid general duty inpatient bedside nursing experience”. The phrase, “general acute care”, describing the type of facility in which clinical experience may be obtained is deleted and the word clinical is inserted to allow clinical experience to be obtained in additional types of inpatient facilities such as long term care.

##### **Factual Basis/Rationale**

Candidates applying for licensure based on equivalency of experience (referred to as “equivalency applicants”) must have worked in environments that are similar to those environments where vocational nursing students gain their clinical experience. Adding the word “inpatient” to the regulations clarifies for applicants that their experience must have occurred in an inpatient environment as opposed to an ambulatory care environment. Inpatient care at the bedside is necessary because it allows the applicant to observe all aspects of patient care, including continuity of care and interaction of the interdisciplinary health care team partners. That inpatient care experience is equivalent to that of vocational nursing students.

##### **Underlying Data**

Equivalency requirements are based on the following applicable statute:

Section 2873 of the Vocational Nursing Practice Act states:

“Any person possessing either the education or the experience, or any combination of both the education and the experience, **equivalent to that acquired in an accredited school of vocational nursing** may be licensed as a vocational nurse under the provisions of this chapter, provided that he successfully demonstrates to the board that he possesses the necessary qualifications, and successfully passes such examinations or tests as may from time to time be required by the board.” [emphasis added]



### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516(b)(1)(A)**

### **Specific Purpose of the Amendment**

The words, “must be deemed acceptable by the Board”, are added to emphasize that the Board will review evidence of work experience to determine if the type of experience obtained is equivalent to the type of experience obtained by students in vocational nursing programs.

### **Factual Basis/Rationale**

Candidates for equivalency frequently submit documentation of work experience that does not meet the regulatory requirements. Board staff review each equivalency application carefully to assure that the experience reported by the candidate is truly equivalent to that of students in vocational nursing programs.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516(b)(1)(B)**

### **Specific Purpose of the Amendment**

The minimum number of weeks of experience required in maternity/genitourinary nursing and pediatric nursing is increased from five to six weeks for VN equivalency applicants.

### **Factual Basis/Rationale**

Fifty-one months of experience are required for VN equivalency applicants. Of this, 48 months must be in medical-surgical nursing. The remaining three months or 12 weeks are currently divided into five weeks of maternity/genitourinary nursing, five weeks of pediatric nursing and two weeks of optional clinical experience that is comprised of excess hours in one of the three areas noted in the above regulation (medical-surgical, obstetrics/genitourinary, or pediatrics). The calculations related to the optional weeks of experience were sometimes confusing for candidates. The change will simplify the process by establishing additional requirements for obstetrics/genitourinary and pediatrics nursing experience deleting the two weeks of optional experience.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Proposed Section 2516(b)(1)(C)**

### **Specific Purpose of the Amendment**

For the purpose of qualifying for the licensure examination by equivalency, eight months of work experience in areas outside of inpatient medical-surgical nursing may be substituted for eight months of the required medical-surgical nursing experience. This section of the regulations describes this substitution process. The words, “one or combination” are added to the regulation

to clarify that only a total of eight months of other types of experience may be utilized for substitution.

### **Factual Basis/Rationale**

Existing regulatory language generates numerous questions from equivalency applicants. Clarification is necessary because the applicants are unclear whether eight months of experience can be credited for each area of practice listed or if only a total of eight months is applicable.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Proposed Section 2516(b)(1)(C)(7)-current**

### **Specific Purpose of the Amendment**

Experience in skilled or long term care nursing was deleted from the list of experience that can be used to substitute for medical-surgical experience. Based on the proposed changes to section 2516(b)(1) such experience will now be fully accepted as inpatient bedside nursing experience.

### **Factual Basis/Rationale**

The amendment proposes that skilled and long term care nursing be accepted as inpatient bedside nursing experience because that is the type of clinical experience that is currently most often obtained by students in vocational nursing programs.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Proposed Section 2516(b)(1)(C)(7)-proposed**

**Specific Purpose of the Amendment**

“Private duty nursing” is clarified as nursing care taking place in an acute care facility.

**Factual Basis/Rationale**

These definitions specify that private duty experience will be accepted as part of the equivalency application only if it was performed in acute care facilities.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Proposed Section 2516(b)(1)(C)(13) - proposed**

### **Specific Purpose of the Amendment**

“Gerontological Nursing” is added to the list of clinical experiences that may be substituted for eight months of medical-surgical nursing for vocational nurse applicants.

### **Factual Basis/Rationale**

Gerontological nursing is now a significant nursing specialty due to the dramatic increase in the number of older adults. As such, it is a valuable experience for vocational nurse applicants. The amendment places an emphasis on this specialty area of health care that did not exist as a special entity when prior regulations were developed.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Proposed Section 2516(b)(1)(C)(14) - proposed**

### **Specific Purpose of the Amendment**

“Emergency Medical Technician service” is added to the list of clinical experiences in a non-inpatient care setting that may be substituted for eight months of medical-surgical nursing for vocational nurse equivalency applicants.

### **Factual Basis/Rationale**

In the performance of their duties, Emergency Medical Technicians (EMT) perform some basic patient care tasks that are similar to those tasks within the LVN scope of practice. For that reason, the EMT experience is added to the list of clinical experiences that may be substituted for eight months of medical-surgical nursing.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516(b)(1) proposed (D)**

### **Specific Purpose of the Amendment**

The amendment adds the word “inpatient” before “bedside nursing experience” to again clarify that work experience must be in an inpatient setting.

### **Factual Basis/Rationale**

Candidates applying for licensure based on equivalency of experience (referred to as “equivalency applicants”) must have worked in environments that are similar to those environments where vocational nursing students gain their clinical experience. Adding the word “inpatient” to the regulations clarifies for applicants that their experience must have occurred in an inpatient environment as opposed to an ambulatory care environment. Inpatient care at the bedside is necessary because it allows the applicant to observe all aspects of patient care, including continuity of care and interaction of the interdisciplinary health care team partners. That inpatient care experience is equivalent to that of vocational nursing students.

### **Underlying Data**

Equivalency requirements are based on the following applicable statutes:

Section 2873 of the Vocational Nursing Practice Act states:

“Any person possessing either the education or the experience, or any combination of both the education and the experience, **equivalent to that acquired in an accredited school of vocational nursing** may be licensed as a vocational nurse under the provisions of this chapter, provided that he successfully demonstrates to the board that he possesses the necessary

qualifications, and successfully passes such examinations or tests as may from time to time be required by the board.” [emphasis added]

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Section 2516(b)(3)(A)3**

**Specific Purpose of the Amendment**

Equivalency applicants must provide verification of their work experience and also verification of specific knowledge and skills. Within the list of knowledge and skills to be verified by a supervisor, the current term “catheter care” is made specific to urinary catheters.

**Factual Basis/Rationale**

Current health care includes the use of many types of catheters. Care of certain types of catheters, including, but not limited to, those inserted in central arteries, the spinal column, or intracranial space, are outside the LVN scope of practice. The amended language provides the necessary clarification.

**Underlying Data**

The Board determined that this clarification was necessary due to current questions received regarding LVN scope of practice.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516(b)(3)(A)5**

### **Specific Purpose of the Amendment**

“Diabetic urine testing” is one task on the list of knowledge and skills to be verified by a supervisor. This amendment deletes the term “urine” from this task.

### **Factual Basis/Rationale**

Existing language does not reflect the currently favored diabetic testing technology. Presently, diabetic testing is most commonly accomplished by testing blood, not urine. In some settings, however, urine may still be tested. Eliminating the word “urine” will permit the task to be demonstrated using either method of testing.

### **Underlying Data**

The Board relied on information in current nursing textbooks and from discussions with nursing practitioners.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516(b)(3)(A)15**

### **Specific Purpose of the Amendment**

The term “communication skills” is added to the list of knowledge and skills that must be verified by a supervisor.



### **Factual Basis/Rationale**

Accredited vocational nursing programs are required to include “communication” content in their respective curricula. Thus, it is appropriate to require verification of communication skills by applicants who apply for VN licensure via the equivalency method.

### **Underlying Data**

Section 2533 of the Vocational Nursing Rules and Regulations specifies the curriculum content that must be included in vocational nursing programs. Section 2533(d)(7) identifies, “Communication” as required content.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516(c)**

### **Specific Purpose of the Amendment**

Regulations that permit the existence of equivalency programs are deleted.

### **Factual Basis/Rationale**

In the past, the Board had approved some schools to offer abbreviated programs for students who possessed hours of work experience that complied with equivalency criteria. Currently, there are no Board-approved VN equivalency programs. The two programs that most recently existed as equivalency programs closed in 2000. The Board has received no applications for equivalency programs since that time. In addition, the Board recognizes that equivalency applicants who graduated from these programs averaged only a 50% pass rate on the licensure examinations. The Board determined that further approval of such programs is not in the best interest of potential students.

### **Underlying Data**

The Board relied on licensure examination results published by the National Council of State Boards of Nursing for vocational nurse candidates.

### **Business Impact**

The proposed regulations would not have any impact on any business because no schools are currently approved for operation and no schools have submitted applications to have such a program since the last such program closed in 2000.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2516.5 (Proposed)**

### **Specific Purpose of the Amendment**

The purpose of this section is to clarify the documentation required to establish proof of active duty service in the medical corps of any of the armed services.

### **Factual Basis/Rationale**

Section 2873.5 of the Vocational Nursing Practice Act sets forth the requirements for licensure for candidates who have served in the military medical corps. This proposed regulation specifies the documentation that those candidates must submit to the Board to establish that they meet the stated requirements.

### **Underlying Data**

The Board relied on information supplied by the armed forces National Personnel Records Center related to documentation that could be provided by such candidates.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2518.7 (Proposed)**

### **Specific Purpose of the Amendment**

The purpose of this section is to define the role of the LVN in private duty nursing.

### **Factual Basis/Rationale**

The Board receives scope of practice questions from licensees and potential employers asking the conditions under which a LVN can perform private duty nursing. This section answers those questions.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **Article 5. Schools of Vocational Nursing**

## **VN Section 2526(a)(16)**

### **Specific Purpose of the Amendment**

List of “resources for provision of counseling and tutoring services for students” is added to the list of documents that must be submitted by an institution that applies for Board accreditation as a VN program.

### **Factual Basis/Rationale**

The Board considers counseling and tutoring services essential in VN programs to enable students to maximize their learning experiences and to better educate them for success on the licensure examination.

Some, but not all, programs currently provide such services. Implementation of this regulation would mandate that all VN programs provide a list of counseling and tutoring services to the students. The school is not required to provide these services, but must be able to refer students to organizations that do provide the services.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

The alternative considered is to allow the status quo where some programs offer these services and some do not. This alternative was not acceptable to the Board whose mandate is to protect consumers.

## **VN Section 2526(a) Proposed Section (20)**

### **Specific Purpose of the Amendment**

Relative to documentation that must be submitted for Board accreditation, the requirement for “Evidence of program need” is amended to read “Evidence of program resources”.

### **Factual Basis/Rationale**

The question of program “need” is not the real issue in question. The Board’s concern is whether a school will be able to ensure availability of adequate equipment, supplies, educational materials, physical space, clinical sites and human resources (e.g. faculty). For that reason, the Board considers that evidence of program “resources” is a more appropriate requirement.

### **Underlying Data**

The Board reviewed many reports on the current nursing shortage to validate that the need for additional placements for student nurses are needed, therefore the “need” for more nursing programs is not in question. The issue is whether nursing programs are able to support the needs of their students. It is the Board’s responsibility to assure that vocational nursing students are afforded all of the experience and tools needed to enable them to acquire safe nursing skills.

### **Business Impact**

The proposed amendments would not change the impact that offering a VN program will have on businesses; however, the amendments will require a proposed program to research the financial impact that a vocational nursing program has on an organization. Based on its research, the program can determine if it is able and/or willing to meet the financial obligations that will be required. In addition to the financial impact, the research will help the organization determine whether all support services required will be available to the organization, e.g. facility space, faculty etc.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2526.1(b)**

### **Specific Purpose of the Amendment**

Provisional accreditation is a designation given to vocational nursing programs that are not in total compliance with the regulations governing VN programs. The provisional accreditation period is designed to identify a program with deficiencies and to allow the program sufficient time to correct those deficiencies. Currently, the regulation specifies a time period, “not to exceed two years unless the Board grants an extension”, for this process. The amendment replaces that phrase with the words “determined by the Board”.

### **Factual Basis/Rationale**

There are many reasons for programs to be placed on provisional accreditation. Each program placed on provisional accreditation is expected to correct the deficiencies that lead to its provisional accreditation status. Programs work as quickly as possible to become compliant with the regulations because of the negative image that provisional accreditation status elicits. Some programs may be able to correct deficiencies in a short period of time. Other programs have deficiencies that require more time to correct.

Giving the Board authority to determine the length of the provisional accreditation period based on the program’s specific deficiencies will permit programs to have sufficient time to correct deficiencies. In some cases, that will allow programs to be considered for reinstatement of full accreditation in less than two years, in other cases a longer period may be necessary.

### **Underlying Data**

The Board relied on four years of experience with the provisional accreditation regulations during which programs took varying lengths of time to correct deficiencies.

### **Business Impact**

The current regulation addressing provisional accreditation impacts business by making students and the public aware that a currently accredited program has deficiencies that it is attempting to correct. Based on this information, potential students may choose other schools and currently enrolled students may transfer to other schools.

The proposed amendment would allow the Board the opportunity to return programs to full accreditation status when deficiencies are corrected rather than having to wait for the currently regulated two-year time period. This would decrease the effect of provisional accreditation on the program's enrollment. Conversely, if more time is needed to correct deficiencies, the Board can allow more time.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

The alternative of making no amendment to the regulations was considered. The Board believes that the amendment will better serve both the programs and potential students.

## **VN Section 2526.1(c)**

### **Specific Purpose of the Amendment**

Language is added to clarify that an extension of the provisional accreditation time period may be granted following the end of the initial provisional accreditation period if the program is making progress toward correction of deficiencies, but has not completely corrected deficiencies. That is, the program is making a "good faith effort" to complete corrections.

### **Factual Basis/Rationale**

The amendment clarifies the Board's authority to grant an extension under specified conditions. VN programs vary in length dependent upon whether they are offered on a full-time or part-time basis. Part-time programs can be up to two years long. In these programs that are offered over a longer time span, it will take longer to demonstrate the effectiveness of modifications that are made.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations impact business positively by allowing programs more time, if needed, to correct deficiencies.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

The alternative of automatically revoking accreditation at the end of an initial provisional accreditation period if the program had not corrected all deficiencies was considered. The Board believes that if programs are demonstrating “good faith effort”, they should be allowed more time to fully correct their deficiencies.

## **VN Section 2526.1(d)**

### **Specific Purpose of the Amendment**

The current regulation states that programs holding provisional accreditation, “may not admit ‘new’ classes beyond the established pattern of admission previously approved by the Board.” The amendment clarifies the “pattern of admission” to which programs on provisional accreditation must adhere.

### **Factual Basis/Rationale**

The amended language clarifies the meaning of “pattern of admission” for a school on provisional accreditation. Such clarification allows a school to specifically identify the pattern of admissions that will be acceptable during their provisional accreditation period.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations will impact business by limiting the number of students a program will be able to admit while on provisional accreditation; however, limiting the number of students

will allow the program to focus on correcting deficiencies and potentially will decrease the amount of time the program will be held to provisional accreditation status.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

#### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **VN Section 2526.1(g)**

#### **Specific Purpose of the Amendment**

Current language is deleted and new language added in order to better describe Board actions following revocation of provisional accreditation.

#### **Factual Basis/Rationale**

Current language that states that revocation is cause for removal from the Board's list of accredited schools is deleted. The proposed language specifies that when accreditation is revoked, the school will be removed from the Board's list of accredited programs. The amendment then specifies that the Board will determine what will happen to students currently enrolled in the program.

The importance of the amended language stems from the fact that graduation from an accredited program is required for students to be eligible to sit for the licensure examination. The new language clarifies that the Board will determine the status of students currently enrolled in the effected program regarding eligibility to sit for the licensure examination. For example, one option is that the Board may set the program's revocation date after the graduation of the currently enrolled students with an admonition to the program to cease admitting further students, thereby allowing the current students to graduate from an accredited program.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

#### **Business Impact**

The proposed regulations would not change the impact of loss of accreditation on a program.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.



### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2526.1(h) - proposed**

### **Specific Purpose of the Amendment**

Language is added to clarify that following removal from the list of accredited programs, a program must wait at least one year before applying for approval of a new VN program.

### **Factual Basis/Rationale**

Programs that lose accreditation based on non-compliance with applicable regulations must have time to review, assess and plan for a new improved program. The Board considers one year as an adequate time period for such activities.

### **Underlying Data**

The Board is aware, based on experience with hundreds of proposed programs, that it takes between nine months and one year for a new vocational nursing program to be developed.

### **Business Impact**

The proposed regulations would impact business in that a school would have to wait a full year before it could reapply to offer a vocational nursing program.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2530(g)**

### **Specific Purpose of the Amendment**

In this section, the current regulations state that the “school shall have on file proof that each enrolled student has completed an approved general education course of study through the 12<sup>th</sup> grade or evidence of completion of the equivalent thereof.” In the amendment, the word “approved” is deleted as it relates to a general education course of study. Language is added to clarify that equivalency to the general education course of study must be determined by the

Department of Education in any state in the United States or by a nationally recognized regional accrediting body, e.g. Western Association of Schools and Colleges.

### **Factual Basis/Rationale**

At several accredited program sites, the Board discovered diplomas and other documentation in student files attesting to completion of the equivalent of a twelfth grade education. The entities providing such documentation were not approved or accredited by any department of education or accrediting body. Thus, the service they provided (verification of knowledge commensurate with a twelfth grade education) was questionable.

The additional language will provide clarification to program directors as they review applicants' records for proof of the equivalent of twelfth grade completion. This information is critical because the program directors, at the time that they submit their graduates' applications for licensure to the Board, must attest, "under the penalty of perjury", that their graduates have proof of the equivalent of twelfth grade completion

### **Underlying Data**

The importance of this issue was emphasized in August 2004 when the California Attorney General filed a consumer protection lawsuit against an alternative high school in California that awarded high school diplomas to students, but did not provide education equivalent to 12<sup>th</sup> grade education.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2530(1)(1)**

### **Specific Purpose of the Amendment**

Current regulations require that VN programs maintain a yearly average minimum pass rate for graduates of their programs that is within ten percentage points of the state's yearly average minimum pass rate. The amendment deletes language specifying that new programs must achieve the defined yearly average minimum pass rate within two years of initial approval.

### **Factual Basis/Rationale**

The Board considers the ultimate purpose of VN programs to be the preparation of students who are successful on the applicable licensure examinations. Current regulations require programs to maintain an acceptable pass rate for their graduates. The acceptable minimum pass rate is defined as being a yearly average minimum pass rate that does not fall below ten percentage points of the state's average pass rate for the same period. (As of this writing, the state annual average pass rate for VN candidates is 82%; therefore, programs must maintain an annual average pass rate of at least 72%.)

The current regulations specify that newly approved VN programs must achieve the required minimum pass rate within two years of the Board's approval to start their programs. In some cases, dependent on the length of a program, this is an unrealistic expectation. For example, if a program is 18 months long, there would be only six months available for all of the graduates of the program to test and get results back. Results from only one graduating class would determine the fate of the program. Deletion of this portion of the regulatory language allows new and ongoing programs to adhere to the same requirements for achieving and maintaining pass rates on the licensure examination. The amendment would allow a new program to have two years from the time it receives its first licensure examination results to achieve the required pass rate rather than two years from the date of program approval.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would positively effect business. The amendment would allow a more reasonable period of time for the program to be in compliance with the pass rate regulations and, therefore, avoid potential provisional accreditation status.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2533(d)(7)**

### **Specific Purpose of the Amendment**

Within VN curriculum content, language is added to the content related to “communication” to specify “including communication with patients who have psychological disorders”.

### **Factual Basis/Rationale**

Vocational nursing curriculum does not contain psychiatric content; however, the Test Plan for the National Council Licensure Examination for Practical (Vocational) Nurses (NCLEX-PN®) addresses *psychosocial integrity*. Addition of the language ensures that basic concepts of psychosocial disorders are taught.

### **Underlying Data**

The Board reviewed the NCLEX-PN® Test Plan published by the National Council of State Boards of Nursing. In addition, the Board surveyed Vocational Nursing Programs relative to inclusion of this content.

### **Business Impact**

The proposed regulations would require that time be set aside for the director/designee to develop the additional content and revise the program’s instructional plan accordingly; however, this activity should be able to be integrated into current job descriptions.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2533(d)(18)(19)(20)(21)-proposed**

### **Specific Purpose of the Amendment**

“Ethics and unethical conduct”, “critical thinking”, “cultural sensitivity” and “end-of-life care” are added to curriculum content.

### **Factual Basis/Rationale**

Ethics and unethical conduct, critical thinking, sensitivity to cultural differences and knowledge regarding the care of patients facing death are expected of vocational nurses. Those expectations are not realistic if content related to those topics is not presented in the VN basic curriculum.

### **Underlying Data**

The Board researched inclusion of these areas of content by reviewing standards of applicable professional organizations, journal articles concerning these topics (Attachment A: Bibliography) and by analyzing the results of stakeholder surveys performed by the Board. (Attachment B: Copies of Stakeholder Surveys). Surveys returned from facilities where LVNs are employed indicated a need for better critical thinking skills; therefore, the proposed amendment includes emphasis on critical thinking skills.

### **Business Impact**

The proposed regulations would require that time be set aside for the director/designee to develop the additional content and revise the program's instructional plan accordingly; however, this activity should be able to be integrated into current job descriptions.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2533(e)**

### **Specific Purpose of the Amendment**

The category title for those who may teach anatomy and physiology, psychology, pharmacology, nutrition, and normal growth and development in the VN curriculum is changed from "non-nurse" to "other professionals".

### **Factual Basis/Rationale**

Current language appears to indicate that nurses cannot teach the cited content. This amendment clarifies that any qualified professional, including a nurse, is allowed to teach the cited content.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **Article 7. Continuing Education**

### **VN Section 2540.3(a)**

#### **Specific Purpose of the Amendment**

Currently, regulations require that the Board approve every course a continuing education provider desires to present to licensees. The proposed amendments in Article 7 are made to change the continuing education approval process to Board approval of the continuing education provider for a two-year period. Approval would be based on review of a completed provider application, including the provider's qualifications, and an example of one class that the provider wishes to teach. Additionally, other changes to language are proposed to make VN and PT language parallel related to the documentation that must be included with the application.

#### **Factual Basis/Rationale**

The amendment clarifies the process of obtaining Board approval as a provider of continuing education courses.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

#### **Business Impact**

The proposed regulations will decrease the paperwork that a continuing education provider must do to obtain Board approval. Prior to these amendments, the provider had to submit an application for each course that was to be offered during the two-year approval period. With the amendments, the provider only has to complete one application for the two-year approval period.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2540.3(b)**

### **Specific Purpose of the Amendment**

The amendment specifies the change that “Following approval by the Board within each two-year period, the provider may offer an unlimited number of continuing education courses.”

### **Factual Basis/Rationale**

Current language requires that the Board review every continuing education course that a provider wishes to offer.

### **Underlying Data**

The Board reviewed the policies of other licensing boards to determine consistency of practice.

### **Business Impact**

The proposed regulations will decrease the work that a continuing education provider must do to obtain Board approval. Prior to these amendments, the provider had to submit an application for each course that was to be offered during the two-year approval period. With the amendments, the provider only has to complete one application for the two-year approval period.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2540.3(c)**

### **Specific Purpose of the Amendment**

The current language is deleted and the amendment specifies policies the continuing education provider must develop, publish and implement relative to course offerings. The policies relate to conditions for refunds, time period for refunds and notification of course cancellations.

### **Factual Basis/Rationale**

The Board's mission of consumer protection demands that continuing education providers inform potential students regarding conditions for refunds, time period for refunds and notification of course cancellations.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2540.3(d)**

### **Specific Purpose of the Amendment**

The amendment specifies the responsibilities of the continuing education provider relative to record-keeping, advertising, course certificates and instructor qualifications.

### **Factual Basis/Rationale**

The amendment clarifies continuing education provider responsibilities.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.



**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Section 2540.3(e)**

**Specific Purpose of the Amendment**

The amendment specifies record maintenance for continuing education courses relative to courses, instructor qualifications and VN attendees.

**Factual Basis/Rationale**

The amendment clarifies continuing education provider responsibilities.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2540.3(f)**

### **Specific Purpose of the Amendment**

The amendment specifies that provider approval is not transferable.

### **Factual Basis/Rationale**

The provider submits an application that covers all courses offered within a two-year period. Approval of the provider is based on information submitted about the specific provider. For that reason the provider approval is not transferable to any other person or entity.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2540.3(g)**

### **Specific Purpose of the Amendment**

The amendment specifies that any changes to continuing education provider application information must be submitted to the Board within 30 days.

### **Factual Basis/Rationale**

Information about continuing education providers retained by the Board must be current since that information is given to licensees looking for continuing education opportunities.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Section 2540.3(h)**

**Specific Purpose of the Amendment**

The amendment specifies Board actions if facts are misrepresented by the continuing education provider in course advertising or in the application process.

**Factual Basis/Rationale**

The Board reserves the right to withdraw approval of a continuing education provider application if misrepresentation of fact is proven on the part of the provider.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2540.4**

### **Specific Purpose of the Amendment**

The amendment reflects that the Board no longer approves continuing education course instructors.

### **Factual Basis/Rationale**

The amendment lists the qualifications necessary for instructors of continuing education courses. The Board will no longer approve each instructor. It will be the responsibility of approved continuing education providers to assure that instructors teaching their continuing education courses are qualified to teach.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **ARTICLE 8. INTRAVENOUS THERAPY**

## **VN Sections 2542 and 2542.1**

### **Specific Purpose of the Amendment**

As the result of a lawsuit brought against the Board by the California Nurses Association, a July 14, 2005, Sacramento Superior Court ruling mandated that the Board withdraw regulations approved by the Office of Administrative Law in January 2003. The amendments delete the current verbiage in Sections 2542 and 2542.1 and replace them with the language that was in place before January 2003.

### **Factual Basis/Rationale**

These amendments were mandated by a court ruling.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The amendments force hemodialysis, blood bank and pheresis settings to redistribute work that was being done by licensed vocational nurses to either registered nurses or hemodialysis technicians.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Sections 2542.2(a)(2)**

### **Specific Purpose of the Amendment**

This section of the regulations specifies criteria for approval of courses in intravenous therapy. The amendment deletes the requirement for submission of two copies of the application forms.

### **Factual Basis/Rationale**

In the past, the Board returned one approved copy of the application to the applicant. In the future, the Board will send notification of approval to the applicant via fax or email; therefore no duplicate copy will be needed.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would impact business by decreasing the amount of paperwork required for this process.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2542.2 Proposed (d)**

### **Specific Purpose of the Amendment**

The amendment specifies Board actions if the intravenous therapy course provider misrepresents fact in advertising the course or in any information submitted to the Board regarding this course.

### **Factual Basis/Rationale**

The Board reserves the right to withdraw approval of an application if misrepresentation of fact is proven.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2542.3(a)**

### **Specific Purpose of the Amendment**

The amendments set forth changes in “Approval of Course Content” for intravenous therapy courses to make format and/or content parallel in all applicable sections.

### **Factual Basis/Rationale**

The Board offers approval for three certification courses for vocational nurses; “Intravenous Therapy”, “Blood Withdrawal” and a combination course, “Intravenous Therapy/Blood Withdrawal”. The amendments format the content of this section of the regulations in the same way for each of the courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2542.3(a)(3)**

### **Specific Purpose of the Amendment**

“Universal precautions for infection control” is added to required theory content for intravenous therapy courses.

### **Factual Basis/Rationale**

The current regulations require that students demonstrate knowledge of universal precautions during the mandated clinical experience portion of the intravenous therapy course. Solid educational principles dictate that theory precedes clinical experience. It is appropriate to first include content regarding universal precautions in the theory portion of the course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2542.3(b)(6)**

### **Specific Purpose of the Amendment**

The amendment adds specific elements of instruction that are currently required in the theoretical portion of the course to the practice of skin puncture during clinical practice during an intravenous therapy course.

### **Factual Basis/Rationale**

The amendment assures that intravenous therapy course instructors will include the added elements of instruction in the physical practice in skin puncture in their courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.



## **VN Sections 2542.4(a)(b)**

### **Specific Purpose of the Amendment**

The amendment changes the requirements for physicians who seek Board approval as instructors in intravenous therapy certification courses. The amended section (a) requires that physicians, as applicable to the specific regulation, have experience in starting and superimposing intravenous fluids or have experience teaching courses in intravenous therapy. Section (b) is rearranged to be in the same order as section (a).

### **Factual Basis/Rationale**

In the current regulations, any physician may qualify to teach the Intravenous Therapy course. The Board's experience with these regulations demonstrates that not all physicians have the experience necessary to teach this course. The amendment requires physicians to have the requisite knowledge, skills and abilities in intravenous therapy to qualify to teach the intravenous therapy and/or blood withdrawal courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Sections 2542.4(b)(3)**

### **Specific Purpose of the Amendment**

The amendment offers a third method of meeting teaching criteria for an intravenous therapy course. It states that nurses who have met the requirements for faculty of a Registered Nursing or Vocational Nursing program may qualify to teach the intravenous therapy course.

### **Factual Basis/Rationale**

Nurses who qualify to teach in a nursing program will have the qualifications to teach an intravenous therapy course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2542.5**

### **Specific Purpose of the Amendment**

The amendment specifies documentation requirements for the intravenous therapy course providers.

### **Factual Basis/Rationale**

The language of these sections was amended in all applicable sections to make language parallel for the Intravenous Therapy, Blood Withdrawal And Intravenous Therapy/Blood Withdrawal courses (sections 2542.5, 2544.4 and 2547.5).

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**ARTICLE 9. BLOOD WITHDRAWAL**

**VN Section 2544**

**Specific Purpose of the Amendment**

The amendments clarify the language of this section.

**Factual Basis/Rationale**

The amendment adds and rearranges words in the section so that the content of the section is more understandable.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Sections 2544.1(a)(2)**

### **Specific Purpose of the Amendment**

This section of the regulations specifies criteria for approval of courses in blood withdrawal. The amendment deletes the requirement for submission of two copies of the application forms.

### **Factual Basis/Rationale**

In the past, the Board returned one approved copy of the application to the applicant. In the future, the Board will send notification of approval to the applicant via fax or email; therefore no duplicate copy will be needed.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would impact business by decreasing the amount of paperwork required for this process.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2544.1 proposed(d)**

### **Specific Purpose of the Amendment**

The amendment specifies Board actions if the intravenous therapy/blood withdrawal course provider misrepresents fact in advertising the course or in any information submitted to the Board regarding this course.

### **Factual Basis/Rationale**

The Board reserves the right to withdraw approval of an application if misrepresentation of fact on the part of the provider is proven.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2544.2**

### **Specific Purpose of the Amendment**

The amendments set forth changes in “Approval of Course Content” for intravenous therapy, blood withdrawal and intravenous therapy/blood withdrawal courses to make format and/or content parallel in all applicable sections.

### **Factual Basis/Rationale**

The Board offers approval for three certification courses for vocational nurses; “Intravenous Therapy”, “Blood Withdrawal” and a combination course, “Intravenous Therapy/Blood Withdrawal”. The amendments format the content of this section of the regulations in the same way for each of the courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **VN sections 2544.2(a)(4)(A)(3)**

#### **Specific Purpose of the Amendment**

The amendment specifies that “arterial puncture” is an optional component of the theory and clinical content required for certification in blood withdrawal for LVNs.

#### **Factual Basis/Rationale**

Arterial puncture is not required content in the current regulations; however, section 1242.6(b) of the Business and Professions Code states:

“ (b) Any licensed vocational nurse licensed under the provisions of Chapter 6.5 (commencing with Section 2840) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon, or any licensed dentist if prior thereto the licensed vocational nurse has been instructed by a physician and surgeon and has demonstrated competence to the physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the Board of Vocational Nursing and Psychiatric Technicians or has demonstrated competence to the satisfaction of that board.”

For that reason, arterial puncture is added as an optional content area for the VN blood withdrawal course.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

#### **Business Impact**

The proposed regulations would not have any impact on any business.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Section 2544.2(b)**

**Specific Purpose of the Amendment**

The amendment specifies elements of instruction related to blood withdrawal that must be included in the clinical experience portion of the blood withdrawal course.

**Factual Basis/Rationale**

The amendment assures that blood withdrawal course instructors will include the added elements of instruction in the physical experience portion of their courses.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Sections 2544.3(a)(b)(c)**

**Specific Purpose of the Amendment**

The amendment changes the requirements for physicians who seek Board approval as instructors in blood withdrawal certification courses. The amended sections require that physicians, as applicable to the specific regulation, have experience in blood withdrawal or have experience teaching courses in blood withdrawal.

Language related to clinical laboratory scientists is updated utilizing current terminology.

### **Factual Basis/Rationale**

In the current regulations, any physician may qualify to teach the Blood Withdrawal courses. The Board's experience with these regulations demonstrates that not all physicians have the experience necessary to teach this course. The amendment requires physicians to have the requisite knowledge, skills and abilities in blood withdrawal to qualify to teach the blood withdrawal courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Sections 2544.3(b)(3)**

### **Specific Purpose of the Amendment**

The amendment offers a third method of meeting teaching criteria for a blood withdrawal course. It states that nurses who have met the requirements for faculty of a Registered Nursing or Vocational Nursing program may qualify to teach the blood withdrawal course.

### **Factual Basis/Rationale**

Nurses who qualify to teach in a nursing program will have the qualifications to teach a blood withdrawal course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.



**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**VN Section 2544.4**

**Specific Purpose of the Amendment**

The amendment specifies documentation requirements for blood withdrawal course providers.

**Factual Basis/Rationale**

The language of these sections was amended in all applicable sections to make VN language parallel for the Intravenous Therapy, Blood Withdrawal and Intravenous Therapy/Blood Withdrawal courses.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **ARTICLE 10. INTRAVENOUS THERAPY/BLOOD WITHDRAWAL**

### **VN Sections 2547 and 2547.1**

#### **Specific Purpose of the Amendment**

As the result of a lawsuit brought against the Board by the California Nurses Association, a July 14, 2005, Sacramento Superior Court ruling mandated that the Board withdraw regulations approved by the Office of Administrative Law in January 2003. The amendments delete the current verbiage in Sections 2542 and 2542.1 and replace them with the language that was in place before January 2003.

#### **Factual Basis/Rationale**

These amendments were mandated by a court ruling.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

#### **Business Impact**

The amendments force hemodialysis, blood bank and pheresis settings to redistribute work that was being done by licensed vocational nurses to either registered nurses or hemodialysis technicians.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

#### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **VN Section 2547.2(a)(2)**

#### **Specific Purpose of the Amendment**

This section of the regulations specifies criteria for approval of courses in intravenous therapy/blood withdrawal. The amendment deletes the requirement for submission of two copies of the application forms.

### **Factual Basis/Rationale**

In the past, the Board returned one approved copy of the application to the applicant. In the future, the Board will send notification of approval to the applicant via fax or email; therefore no duplicate copy will be needed.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would impact business by decreasing the amount of paperwork required for this process.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2547.2 proposed (d)**

### **Specific Purpose of the Amendment**

The amendment specifies Board actions if the intravenous therapy/blood withdrawal course provider misrepresents fact in advertising the course or in any information submitted to the Board regarding this course.

### **Factual Basis/Rationale**

The Board reserves the right to withdraw approval of an application if misrepresentation of fact on the part of the provider is proven.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2547.3**

### **Specific Purpose of the Amendment**

The amendments set forth changes in “Approval of Course Content” for intravenous therapy, blood withdrawal and intravenous therapy/blood withdrawal courses to make format and/or content parallel in all applicable sections.

### **Factual Basis/Rationale**

The Board offers approval for three certification courses for vocational nurses; “Intravenous Therapy”, “Blood Withdrawal” and a combination course, “Intravenous Therapy/Blood Withdrawal”. The amendments format the content of this section of the regulations in the same way for each of the courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN section 2547.3(a)(8)**

### **Specific Purpose of the Amendment**

The amendment in section (a) specifies that “arterial puncture” is an optional component of the theory and clinical content required for certification in intravenous therapy/blood withdrawal for LVNs.

### **Factual Basis/Rationale**

Arterial puncture is not required content in the current regulations; however, section 1242.6(b) of the Business and Professions Code states:

“ (b) Any licensed vocational nurse licensed under the provisions of Chapter 6.5 (commencing with Section 2840) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon, or any licensed dentist if prior thereto the licensed vocational nurse has been instructed by a physician and surgeon and has demonstrated competence to the physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the Board of Vocational Nursing and Psychiatric Technicians or has demonstrated competence to the satisfaction of that board.”

For that reason, arterial puncture is added as an optional content area for the VN intravenous therapy/blood withdrawal course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN section 2547.3(b)**

### **Specific Purpose of the Amendment**

The amendments add content that must be added to the clinical practice portion of the intravenous therapy/blood withdrawal class if arterial puncture is taught in the theory portion of the class.

### **Factual Basis/Rationale**

Arterial puncture is not required content in the current regulations; however, section 1242.6(b) of the Business and Professions Code states:

“ (b) Any licensed vocational nurse licensed under the provisions of Chapter 6.5 (commencing with Section 2840) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon, or any licensed dentist if prior thereto the licensed vocational nurse has been instructed by a physician and surgeon and has demonstrated competence to the physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the Board of Vocational Nursing and Psychiatric Technicians or has demonstrated competence to the satisfaction of that board.”

For that reason, arterial puncture is added as an optional content area for the VN intravenous therapy/blood withdrawal course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Sections 2547.4(a)(b)**

### **Specific Purpose of the Amendment**

The amendment changes the requirements for physicians who seek Board approval as instructors in intravenous therapy/blood withdrawal certification courses. The amended sections require that physicians, as applicable to the specific regulation, have experience in blood withdrawal and/or starting and superimposing intravenous fluids or have experience teaching courses in intravenous therapy/ blood withdrawal.

### **Factual Basis/Rationale**

In the current regulations, any physician may qualify to teach the Intravenous Therapy/Blood Withdrawal courses. The Board's experience with these regulations demonstrates that not all physicians have the experience necessary to teach this course. The amendment requires physicians to have the requisite knowledge, skills and abilities in intravenous therapy/blood withdrawal to qualify to teach the intravenous therapy/blood withdrawal courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Sections 2547.4(b)(3)**

### **Specific Purpose of the Amendment**

The amendment offers a third method of meeting teaching criteria for an intravenous therapy/blood withdrawal course. It states that nurses who have met the requirements for faculty of a Registered Nursing or Vocational Nursing program may qualify to teach the intravenous therapy/blood withdrawal course.

### **Factual Basis/Rationale**

Nurses who qualify to teach in a nursing program will have the qualifications to teach an intravenous therapy/blood withdrawal course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **VN Section 2547.5**

### **Specific Purpose of the Amendment**

The amendment specifies documentation requirements for the intravenous therapy/blood withdrawal course providers.

### **Factual Basis/Rationale**

The language of these sections was amended in all applicable sections to make VN and PT language parallel.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.



### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **Psychiatric Technician Regulatory Amendments**

### **Article 4. Licenses**

### **PT Section 2575(a) and (b)(1) and (b)(2)**

#### **Specific Purpose of the Amendment**

Section 2575 of the Psychiatric Technician Rules and Regulations describe the criteria that licensure applicants who have not graduated from psychiatric technician programs must meet in order to be eligible to sit for the licensure examination. These “equivalency” applicants may be able to qualify for the licensure examination based on having education and/or clinical experience that is similar to that of psychiatric technician students.

In addition, in these specific sections of the regulations, the word “inpatient” has been added to the language to more precisely clarify the type of bedside nursing experience that fulfills the “experience” criteria. Finally, language is added to clearly define the requirement, “Paid general duty inpatient bedside nursing experience”.

#### **Factual Basis/Rationale**

Candidates applying for licensure based on equivalency of experience (referred to as “equivalency applicants”) must have worked in environments that are similar to those environments where psychiatric technician students gain their clinical experience. Adding the word “inpatient” to the regulations clarifies for applicants that their experience must have occurred in an inpatient environment as opposed to an ambulatory care environment. Inpatient care at the bedside is necessary because it allows the applicant to observe all aspects of patient care, including continuity of care and interaction of the interdisciplinary health care team partners. That inpatient care experience is equivalent to that of psychiatric technician students.

#### **Underlying Data**

Equivalency requirements are based on the following applicable statute:

Section 4511(c)(3) of the Psychiatric Technicians Law states:

“An applicant for a psychiatric technician's license shall have the following qualifications:

(a) ...

(b) ...

(c) (1)...

(2)...

(3) have completed a course of study and training which in the opinion of the board is **equivalent to the minimum requirements of an accredited program for psychiatric technicians in the state. Clinical inpatient experience shall be an integral part of any such prescribed or equivalent course of study and training.**” [emphasis added]

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2575(a)(2)(3)(4)**

### **Specific Purpose of the Amendment**

Within the course content of nursing science, mental disorders and developmental disabilities required for equivalency applicants, “communication skills” are added.

### **Factual Basis/Rationale**

Accredited psychiatric technician programs are required to include “communication” content in their respective curricula. Thus, it is appropriate to require verification of communication skills by applicants who apply for PT licensure via the equivalency method.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2575(b)**

### **Specific Purpose of the Amendment**

The purpose of this section is to clarify the documentation required to establish proof of active duty service in the medical corps of any of the armed services.

### **Factual Basis/Rationale**

Section 4511(c)(2) and (3) of the Psychiatric Technician Law sets forth the requirements for licensure for candidates who did not complete an accredited psychiatric technician program. This regulation specifies the documentation that those candidates who want to qualify based on military education and experience must submit to establish that they meet the requirements.

### **Underlying Data**

The Board relied on information supplied by the armed forces National Personnel Records Center related to documentation that could be provided by such candidates.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2575(c)**

### **Specific Purpose of the Amendment**

Regulations that permit the existence of equivalency programs are deleted.

### **Factual Basis/Rationale**

In the past, the Board had approved some schools to offer abbreviated programs for students who possessed hours of work experience that complied with equivalency criteria. Currently, there are no Board-approved PT equivalency programs. The two programs that most recently existed as equivalency programs closed in 2000. The Board has received no applications for equivalency programs since that time. In addition, the Board recognizes that equivalency applicants who graduated from these programs exhibited a poor pass rate on the licensure examinations. The Board determined that further approval of such programs is not in the best interest of potential students.

### **Underlying Data**

The Board relied on licensure examination results published by Experior Assessments for psychiatric technician candidates.

### **Business Impact**

The proposed regulations would not have any impact on any business because no schools are currently approved for operation and no schools have submitted applications to have such a program since the last such program closed in 2000.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **Section 2576.7 (Proposed)**

### **Specific Purpose of the Amendment**

The purpose of this section is to define the role of the PT in private duty patient care.

### **Factual Basis/Rationale**

The Board receives many scope of practice questions from licensees and potential employers asking the conditions under which a PT can perform private duty patient care. This section answers those questions.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **Article 5. Schools for Preparation of Psychiatric Technicians**

### **PT Section 2581(a)(16)**

List of “resources for provision of counseling and tutoring services for students” is added to the list of documents that must be submitted by an institution that applies for Board accreditation as a PT program.

### **Factual Basis/Rationale**

The Board considers counseling and tutoring services essential in PT programs to enable students to maximize their learning experiences and to better educate them for success on the licensure examination.

Some, but not all, programs currently provide such services. Implementation of this regulation would mandate that all PT programs provide a list of counseling and tutoring services to the students. The school is not required to provide these services, but must be able to refer students to organizations that do provide the services.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

The alternative considered is to allow the status quo where some programs offer these services and some do not. This alternative was not acceptable to the Board whose mandate is to protect consumers.

## **PT Section 2581(a) Proposed section (20)**

### **Specific Purpose of the Amendment**

Relative to documentation that must be submitted for Board accreditation, the requirement for “Evidence of program **need**” is amended to read “Evidence of program **resources**”.

### **Factual Basis/Rationale**

The question of program “need” is not the real issue. The Board’s concern is whether a program will be able to ensure availability of adequate equipment, supplies, educational materials, physical space, clinical sites and human resources (e.g. faculty) for the students it is requesting. For that reason, the Board considers that evidence of program “resources” is a more appropriate requirement.

### **Underlying Data**

The Board reviewed reports on utilization of psychiatric technicians in California to validate that there is a need for more psychiatric technicians than are currently being graduated; however, comments from clinical facilities indicate that space within clinical facilities for additional psychiatric technician students is very limited, particularly in the large urban areas of California. In addition, the Board’s past experience with proposed programs indicates that not all organizations submitting proposals to begin psychiatric technician programs have the ability to provide the resources to support the needs of the proposed students, i.e. classroom space, skills laboratory and equipment, qualified faculty etc.

### **Business Impact**

The proposed amendments would not change the impact that offering a PT program will have on businesses; however, the amendments will require the program that is proposing a psychiatric technician program to research the financial impact that a psychiatric technician program has on

an organization. Based on its research, the program can determine if it is able and/or willing to meet the financial obligations that will be required. In addition to the financial impact, the research will help the organization determine whether all support services required will be available to the organization, e.g. facility space, faculty etc.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

#### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **PT Section 2581.1(b)**

#### **Specific Purpose of the Amendment**

Provisional accreditation is a designation given to programs that are not in total compliance with the regulations governing PT programs. The period of provisional accreditation is designed to allow the program time to correct deficiencies. The current time period specified for provisional accreditation, “not to exceed two years unless the Board grants an extension”, is deleted; the phrase “determined by the Board” is substituted for the deleted phrase.

#### **Factual Basis/Rationale**

There are many reasons for programs to be placed on provisional accreditation. Each program placed on provisional accreditation is expected to correct the deficiencies that lead to its provisional accreditation status. Programs work as quickly as possible to become compliant with the regulations because of the negative image that provisional accreditation status elicits. Some programs may be able to correct deficiencies in a short period of time. Other programs have deficiencies that require more time to correct.

Giving the Board authority to determine the length of the provisional accreditation period based on the program’s specific deficiencies will permit programs to have sufficient time to correct deficiencies. In some cases, that will allow programs to be considered for reinstatement of full accreditation in less than two years, in other cases a longer period may be necessary.

#### **Underlying Data**

The Board relied on four years of experience with the provisional accreditation regulations during which programs took varying lengths of time to correct deficiencies.

#### **Business Impact**

The current regulation addressing provisional accreditation impacts business by making students and the public aware that a currently accredited program has deficiencies that it is attempting to

correct. Based on this information, potential students may choose other schools and currently enrolled students may transfer to other schools.

The proposed amendment would allow the Board the opportunity to return programs to full accreditation status when deficiencies are corrected rather than having to wait for the currently regulated two-year time period. This would decrease the effect of provisional accreditation on the program's enrollment. Conversely, if more time is needed to correct deficiencies, the Board can allow more time. In that case, the option of a longer provisional accreditation period is better than revoking accreditation for a program who could not correct deficiencies in the currently regulated two-year time period.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

The alternative of making no amendment to the regulations was considered. The Board believes that the amendment will better serve both the programs and potential students.

## **PT Section 2581.1(c)**

### **Specific Purpose of the Amendment**

Language is added to clarify that an extension may be granted following the end of the initial provisional accreditation period if the program is making progress toward correction of deficiencies, but has not completely corrected deficiencies. That is, the program is making a "good faith effort" to complete corrections.

### **Factual Basis/Rationale**

The amendment clarifies the Board's authority to grant an extension under specified conditions. PT programs vary in length dependent upon whether they are offered on a full-time or part-time basis. Part-time programs can be up to two years long. In these programs that are offered over a longer time span, it will take longer to demonstrate the effectiveness of modifications that are made.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations impact business positively by allowing programs more time, if needed, to correct deficiencies.



### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

The alternative of automatically revoking accreditation at the end of an initial provisional accreditation period if the program had not corrected all deficiencies was considered. The Board believes that if programs are demonstrating “good faith effort”, they should be allowed more time to fully correct their deficiencies.

## **PT Section 2581.1(d)**

### **Specific Purpose of the Amendment**

The current regulation states that programs holding provisional accreditation, “may not admit ‘new’ classes beyond the established pattern of admission previously approved by the Board.” The amendment clarifies the “pattern of admission” to which programs on provisional accreditation must adhere.

### **Factual Basis/Rationale**

The amended language clarifies the meaning of “pattern of admission” for a school on provisional accreditation. Such clarification allows a school to specifically identify the pattern of admissions that will be acceptable during their provisional accreditation period.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations will impact business by limiting the number of students a program will be able to admit while on provisional accreditation; however, limiting the number of students will allow the program to focus on correcting deficiencies and potentially will decrease the amount of time the program will be held to provisional accreditation status.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2581.1(g)**

### **Specific Purpose of the Amendment**

Current language is deleted and new language added in order to better describe Board actions following revocation of provisional accreditation.

### **Factual Basis/Rationale**

Current language that states that revocation is cause for removal from the Board's list of accredited schools is deleted. The proposed language specifies that when accreditation is revoked the school will be removed from the Board's list of accredited programs, but goes on to specify that the Board will determine what will happen to students currently enrolled in the program.

The importance of the amended language stems from the fact that graduation from an accredited program is required for students to be eligible to sit for the licensure examinations. The new language clarifies that the Board will determine the status of students currently enrolled in the effected program regarding eligibility to sit for the licensure examination.

The Board's decision will be made after researching the status of the current students. For example, in the case of a program whose students are nearing graduation, the Board might set the program's revocation date to be immediately after the graduation of the currently enrolled students with an admonition to the program to cease admitting further students. In this example, the currently enrolled students will be able to graduate from an accredited school.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not change the impact of loss of accreditation on a program.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2581.1(h)**

### **Specific Purpose of the Amendment**

Language is added to clarify that following removal from the list of accredited programs, a program must wait at least one year before applying for approval of a new PT program.

### **Factual Basis/Rationale**

Programs that lose accreditation based on non-compliance with applicable regulations must have time to review, assess and plan for a new or improved program. The Board considers one year as an adequate time period for such activities.

### **Underlying Data**

The Board is aware, based on experience with hundreds of proposed programs, that it takes between nine months and one year for a new psychiatric technician program to be developed.

### **Business Impact**

The proposed regulations would impact business in that a school would have to wait a full year before it could reapply to offer a psychiatric technician course.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2585(g)**

### **Specific Purpose of the Amendment**

In this section, the current regulations state that the “school shall have on file proof that each enrolled student has completed an approved general education course of study through the 12<sup>th</sup> grade or evidence of completion of the equivalent thereof.” In the amendment, the word “approved” is deleted as it relates to a general education course of study. Language is then added to clarify that equivalency to the general education course of study must be determined by the Department of Education in any state in the United States or by a nationally recognized regional accrediting body, e.g. Western Association of Schools and Colleges.

### **Factual Basis/Rationale**

At several accredited program sites, the Board discovered diplomas and other documentation in student files attesting to completion of the equivalent of a twelfth grade education. The entities providing such documentation were not approved or accredited by any department of education or accrediting body. Thus, the service they provided (verification of knowledge commensurate with a twelfth grade education) was questionable.

The additional language will provide clarification to program directors as they review applicants' records for proof of the equivalent of twelfth grade completion. This information is critical because the program directors, at the time that they submit their graduates' applications for licensure to the Board, must attest, "under the penalty of perjury", that their graduates have proof of the equivalent of twelfth grade completion.

### **Underlying Data**

The importance of this issue was emphasized in August 2004 when the California Attorney General filed a consumer protection lawsuit against an alternative high school in California due to the school not providing education equivalent to 12<sup>th</sup> grade education, but awarding diplomas to students.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2585(l)(1)**

### **Specific Purpose of the Amendment**

Current regulations require that PT programs maintain a yearly average minimum pass rate for graduates of their programs that is within ten percentage points of the state's yearly average minimum pass rate. The amendment deletes language specifying that new programs must achieve the defined yearly average minimum pass rate within two years of initial approval.

### **Factual Basis/Rationale**

The Board considers the ultimate purpose of PT programs to be the preparation of students who are successful on the licensure examination. Current regulations require programs to maintain an acceptable pass rate for their graduates. The acceptable minimum pass rate is defined as being a yearly average minimum pass rate that does not fall below ten percentage points of the state's average pass rate for the same period.

The current regulations specify that newly approved PT programs must achieve the required minimum pass rate within two years of the Board's approval to start their programs. In some cases, dependent on the length of a program, this is an unrealistic expectation. For example, if a program is 18 months long, there would be only six months available for all of the graduates of the program to test and get results back. Results from only one graduating class would determine the fate of the program. Deletion of this portion of the regulatory language allows new and ongoing programs to adhere to the same requirements for achieving and maintaining pass rates on the licensure examination. The amendment would allow a new program to have two years from the time it receives its first licensure examination results to achieve the required pass rate rather than two years from the date of program approval.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would positively effect business. The amendment would allow a more reasonable period of time for the program to be in compliance with the pass rate regulations and, therefore, avoid potential provisional accreditation status.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2585(l) current (2)**

### **Specific Purpose of the Amendment**

The increments of time in which PT licensure examination pass rates are to be calculated for average annual maintenance are changed from "biannual" periods to "quarters".

### **Factual Basis/Rationale**

Calculation and reporting of pass rate data on a quarterly basis will provide earlier notification of the most recent pass rate data to psychiatric technician programs and permit them to evaluate actual or potential problems sooner.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would impact business by allowing programs to more closely monitor their program licensure examination pass rate and make changes to the program as needed in order to avoid provisional accreditation.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2587(d)(14)(15)(16)(17)**

### **Specific Purpose of the Amendment**

“Ethics and unethical conduct”, “critical thinking”, “cultural sensitivity” and “end-of-life care” are added to curriculum content.

### **Factual Basis/Rationale**

Ethics and unethical conduct, critical thinking, sensitivity to cultural differences and knowledge regarding the care of patients facing death are expected of psychiatric technicians. Those expectations could be questioned if content related to those topics is not presented in the PT basic curriculum.

### **Underlying Data**

The Board researched inclusion of these areas of content by reviewing standards of applicable professional organizations, journal articles concerning these topics (Attachment A: Bibliography) and by analyzing the results of stakeholder surveys performed by the Board. (Attachment B: Copies of Stakeholder Surveys). Surveys returned from facilities where PTs are employed

indicated a need for better critical thinking skills; therefore, the proposed amendment includes emphasis on critical thinking skills.

### **Business Impact**

The proposed regulations would require that time be set aside for the director/designee to develop the additional content and revise the program's instructional plan accordingly; however, this activity should be able to be integrated into current job descriptions.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **Article 7. Continuing Education**

### **PT Section 2592.3(a)**

#### **Specific Purpose of the Amendment**

Currently, regulations require that the Board approve every course a continuing education provider desires to present to licensees. The proposed amendments in Article 7 are made to change the continuing education approval process to Board approval of the continuing education provider for a two-year period. Section (a) indicates that approval will be based on review of a completed provider application, including the provider's qualifications and an example of one class that the provider wishes to teach. Additionally, other changes to language are proposed to make VN and PT language parallel related to the documentation that must be included with the application.

#### **Factual Basis/Rationale**

The amendment clarifies the process of obtaining Board approval as a provider of continuing education courses.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations will decrease the paperwork that a continuing education provider must do to obtain Board approval. Prior to these amendments, the provider had to submit an application for each course that was to be offered during the two-year approval period. With the amendments, the provider only has to complete one application for the two-year approval period.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2592.3(b)**

### **Specific Purpose of the Amendment**

The amendment specifies the change that “Following approval by the Board within each two-year period, the provider may offer an unlimited number of continuing education courses.”

### **Factual Basis/Rationale**

Current language requires that the Board review every continuing education course that a provider wishes to offer.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations will decrease the paperwork that a continuing education provider must do to obtain Board approval. Prior to these amendments, the provider had to submit an application for each course that was to be offered during the two-year approval period. With the amendments, the provider only has to complete one application for the two-year approval period.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.



### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **PT Section 2592.3(c)**

#### **Specific Purpose of the Amendment**

The amendment specifies policies the continuing education provider must develop, publish and implement relative to course offerings. The policies relate to conditions for refunds, time period for refunds and notification of course cancellations.

#### **Factual Basis/Rationale**

Consumer protection demands that continuing education providers inform potential students regarding conditions for refunds, time period for refunds and notification of course cancellations.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

#### **Business Impact**

The proposed regulations would not have any impact on any business.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **PT Section 2592.3(d)**

#### **Specific Purpose of the Amendment**

The amendment specifies the responsibilities of the continuing education provider relative to record-keeping, advertising, course certificates and instructor qualifications.

#### **Factual Basis/Rationale**

The amendment clarifies continuing education provider responsibilities.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2592.3(e)**

### **Specific Purpose of the Amendment**

The amendment specifies record maintenance for continuing education courses relative to courses, instructor qualifications and PT attendees.

### **Factual Basis/Rationale**

The amendment clarifies continuing education provider responsibilities.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2592.3(f)**

### **Specific Purpose of the Amendment**

The amendment specifies that provider approval is not transferable.

### **Factual Basis/Rationale**

The provider submits an application that covers all courses offered within a two-year period. The information submitted is applicable only to the provider submitting the application. For this reason, the provider approval is not transferable to another individual or entity.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2592.3(g)**

### **Specific Purpose of the Amendment**

The amendment specifies that any continuing education provider application information changes must be submitted to the Board within 30 days.

### **Factual Basis/Rationale**

Information about continuing education providers retained by the Board must be current since that information is given to licensees looking for continuing education opportunities.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

**PT Section 2592.3(h)**

**Specific Purpose of the Amendment**

The amendment specifies Board actions if facts are misrepresented by the continuing education provider in course advertising or in the application process.

**Factual Basis/Rationale**

The Board reserves the right to withdraw approval of a continuing education provider if misrepresentation of fact on the part of the provider is proven.

**Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

**Business Impact**

The proposed regulations would not have any impact on any business.

**Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

**Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2592.4**

### **Specific Purpose of the Amendment**

The amendment reflects that the Board no longer approves continuing education course instructors.

### **Factual Basis/Rationale**

The amendment lists the qualifications necessary for instructors of continuing education courses. The Board will no longer approve each instructor. It will be the responsibility of approved continuing education providers to assure that instructors teaching their continuing education courses are qualified to teach.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **ARTICLE 8. BLOOD WITHDRAWAL**

## **PT Sections 2593**

### **Specific Purpose of the Amendment**

The amendments for this section updates revision dates for the forms required in association with the blood withdrawal regulations.

### **Factual Basis/Rationale**

The forms were revised as part of the regulatory review process.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Sections 2593.1(a)(b)(c)**

### **Specific Purpose of the Amendment**

These sections of the regulations specify criteria for approval of courses in blood withdrawal. The amendments clarify the language of the sections and add a statement limiting approval to a two-year period.

### **Factual Basis/Rationale**

The language changes make the language more clear for applicants and corrects the inadvertent omission of the length of the approval period.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2593.2**

### **Specific Purpose of the Amendment**

The amendments set forth changes in “Approval of Course Content” for blood withdrawal courses to make format and/or content parallel to the Vocational Nursing blood withdrawal course requirements in all applicable sections.

### **Factual Basis/Rationale**

The Board offers approval for a blood withdrawal certification course for vocational nurses as well as a blood withdrawal course for psychiatric technicians. The amendments format the content of this section to be consistent with the format for the course offered for vocational nurses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2593.2(a)**

### **Specific Purpose of the Amendment**

This section defines the basic format requirements for the theory and clinical components of a certification course in blood withdrawal.

### **Factual Basis/Rationale**

This information was moved forward in this section of the regulations to match the format of the vocational nursing section related to blood withdrawal.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2593.2(a)(1)**

### **Specific Purpose of the Amendment**

The format of the theory content is rearranged to follow the VN format. “Universal precautions for infection control” is added to required theory content for blood withdrawal courses.

### **Factual Basis/Rationale**

The current regulations require that students demonstrate knowledge of universal precautions during the mandated clinical experience portion of the blood withdrawal course. Solid educational principles dictate that theory precedes clinical experience. It is appropriate to first include content regarding universal precautions in the theory portion of the course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.



### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2593.2(b)**

### **Specific Purpose of the Amendment**

The amendment lists specific elements of instruction that are currently required in the theoretical portion of the course that must be part of the student's experience during clinical practice during a blood withdrawal course.

### **Factual Basis/Rationale**

The amendment assures that blood withdrawal course instructors will include all elements of instruction in the physical practice in skin puncture in their courses.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2593.3(a)(b)(c)**

### **Specific Purpose of the Amendment**

The amendment changes the requirements for physicians who seek Board approval as instructors in blood withdrawal certification courses. The amended sections require that physicians, as

applicable to the specific regulation, have experience in blood withdrawal or have experience teaching courses in blood withdrawal.

Language related to clinical laboratory scientists is updated utilizing current terminology.

#### **Factual Basis/Rationale**

In the current regulations, any physician may qualify to teach the Blood Withdrawal courses. The Board's experience with these regulations demonstrates that not all physicians have the experience necessary to teach this course. The amendment requires physicians to have the requisite knowledge, skills and abilities in blood withdrawal to qualify to teach the blood withdrawal courses.

#### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

#### **Business Impact**

The proposed regulations would not have any impact on any business.

#### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

#### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

### **VN Sections 2593.3(b)(3)**

#### **Specific Purpose of the Amendment**

The amendment offers a third method of meeting teaching criteria for a blood withdrawal course. It states that nurses who have met the requirements for faculty of a Registered Nursing or Vocational Nursing program may qualify to teach the blood withdrawal course.

#### **Factual Basis/Rationale**

Nurses who qualify to teach in a nursing program will have the qualifications to teach a blood withdrawal course.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

## **PT Section 2593.4**

### **Specific Purpose of the Amendment**

The amendment specifies documentation requirements for the blood withdrawal course providers.

### **Factual Basis/Rationale**

The language of these sections was amended to reflect the process being used by the Board for documenting certification for psychiatric technicians.

### **Underlying Data**

The Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing adoption of this regulatory amendment.

### **Business Impact**

The proposed regulations would not have any impact on any business.

### **Requirements for Specific Technologies or Equipment**

No specific technologies or equipment are mandated by these regulations.

### **Description of Alternatives**

No other alternatives were presented to or considered by the Board.

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**BOARD OF VOCATIONAL  
NURSING  
AND PSYCHIATRIC TECHNICIANS**

2535 CAPITOL OAKS DRIVE, SUITE 205  
SACRAMENTO, CALIFORNIA 95833-2945  
TELEPHONE (916) 263-7800; FAX (916) 263-7859  
INTERNET ADDRESS: <http://www.bvnpt.ca.gov>



DATE: October 1, 2005

TO: Vocational Nursing and Psychiatric Technician Programs

FROM: Teresa Bello-Jones  
Executive Officer

SUBJECT: **Program Survey 2005**

The legal mandate of the Board of Vocational Nursing and Psychiatric Technicians is consumer protection; however, we cannot fulfill this mandate without your assistance. Your educational program is a critical component within health care delivery because you educate licensed vocational nurses (LVNs) and/or psychiatric technicians (PTs) to safely and effectively care for consumers. Your perspective is crucial as we all attempt to make predictions about the future learning needs of our licensees.

Please take a few moments of your valuable time to respond to this survey. A summary of results will be published on the Board's web site (address listed above). Individual responses are confidential.

**PLEASE RETURN THE COMPLETED SURVEY TO THE BOARD BY:  
NOVEMBER 1, 2005**

**Thank you for completing this survey. You may return the survey by either of the following methods:**

- ✓ Fax your response to the BVNPT at (916) 263-7859
- ✓ E-mail your response to the BVNPT at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)

**BVNPT: Program Survey 2005**

1. Please indicate your title and the type of educational institution in which you are employed:

Title: \_\_\_\_\_

Type of Educational Institution: \_\_\_\_\_

2. What changes have occurred in the past year that have had the greatest impact on the focus and content of your program?

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3. How did you accommodate these changes?

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4. Have you surveyed local employers of LVNs/PTs in the past year?

☐ Yes

☐ No

In feedback from local employers of LVNs/PTs, what is the most frequent deficit identified in new graduates?

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5. During the past year, did you survey your graduates after graduation?

☐ Yes

☐ No

If yes, please answer the following:

- (a) Do your graduates report that they are able to find LVN/PT positions during the first year after graduation?

☐ Yes

☐ No

- (b) What is the most frequent problem identified by your graduates when they are starting a LVN/PT position?

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6. Have the nurse-to-patient ratios affected clinical experiences/assignments for your students?

☐ Yes

☐ No

If yes, please explain.

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INTERNET ADDRESS: <http://www.bvnpt.ca.gov>

DATE: October 1, 2005

TO: Health Care Facilities

FROM: Teresa Bello-Jones  
Executive Officer

SUBJECT: **Facility Survey 2005**

The legal mandate of the Board of Vocational Nursing and Psychiatric Technicians is consumer protection. However, we cannot fulfill this mandate without your assistance. Your facility is a critical component within health care delivery because you are involved in the delivery of health care to our consumers. Your perspective is crucial as we all attempt to make predictions about the future needs of healthcare education and practice of our licensees.

Please take a few moments of your valuable time to respond to this survey. A summary of results will be published on the Board's web site (address listed above). Individual responses are confidential.

**PLEASE RETURN THE COMPLETED SURVEY TO THE BOARD BY:  
NOVEMBER 1, 2005.**

**Thank you for completing this survey. You may return the survey by either of the following methods:**

- ✓ Fax your response to the BVNPT at (916) 263-7859
- ✓ E-mail your response to the BVNPT at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)

## BVNPT: Facility Survey 2005

1. Please indicate your job classification and the type of facility in which you are employed:

Job Classification: \_\_\_\_\_

Type of Facility: \_\_\_\_\_

2. In your facility, what type of *staffing mix* do you use? \_\_\_\_\_

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3. In your facility, during the past year, has the use of licensed vocational nurses (LVNs) changed?

? Yes ? No

If yes, describe how it has changed: \_\_\_\_\_

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4. How many vocational nurses do you employ? \_\_\_\_\_

5. In your facility, during the past year, has the use of psychiatric technicians (PTs) changed?

? Yes ? No

If yes, describe how it has changed: \_\_\_\_\_

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6. How many psychiatric technicians do you employ? \_\_\_\_\_

7. What changes have occurred in the past year that have had the greatest impact on the utilization of LVNs and/or PTs in your facility?

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8. How did you accommodate these changes?

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**BVNPT: Facility Survey 2005**

9. Do you have difficulty filling vacant LVN and/or PT positions? ? Yes ? No

If yes, is it because the applicants are: ? Not available, or ? Available, but not qualified for the position.  
If not qualified, the most frequent qualifications lacking are:

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10. Identify two (2) issues that you consider the most important relative to LVNs and/or PTs:

**LVNs:**

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**PTs:**

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11. Within the next two years do you expect your utilization of LVNs and/or PTs to:

<b>LVNs:</b>	? Increase	? Decrease	? Remain the Same
<b>PTs:</b>	? Increase	? Decrease	? Remain the Same

Please indicate why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Based on your current staffing pattern, please complete the following:

I would use **LVNs** more if they could:

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I would use **PTs** more if they could:

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